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## BUFFALO'S OLMSTED SYSTEM

*Parks*  
Cazenovia  
Delaware  
Front  
Martin Luther King, Jr.  
Riverside  
South

*Parkways*  
Bidwell  
Chapin  
Humboldt - lost  
Lincoln  
McKinley  
Porter  
Red Jacket  
Richmond

*Circles*  
Agassiz  
Colonial  
Ferry  
Gates  
McClellan  
McKinley  
Soldiers  
Symphony

*Small Olmsted Park Spaces*  
Days  
Heacock Place  
Prospect

November 10, 2023

Ms. Sanjyot Vaidya  
Project Manager  
New York State Department of Transportation,  
Region 5  
100 Seneca Street  
Buffalo, NY 14203

AND

Mr. Matthew Seymour  
Senior Area Engineer  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207

Re: Comments

PIN: 5512.52

September 2023 NYSDOT Draft Design Report/Environmental Assessment  
(DDR/EA)

NYS Route 33, Kensington Expressway Project

Dear Ms. Vaidya and Mr. Seymour:

Thank you for including the Buffalo Olmsted Parks Conservancy in the review process for PIN: 5512.52, September 2023 NYSDOT Draft Design Report/Environmental Assessment (DDR/EA) NYS Route 33, Kensington Expressway Project.

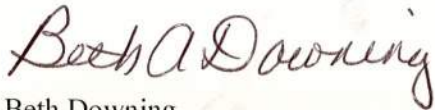
We are an approved Consulting Party for the Section 106 process and submitted comments on that draft report last month. We attended both Environmental Assessment Public Hearings on September 27, 2023. We have reviewed every document provided by the NYSDOT. We have also reviewed the National Register nomination for the Olmsted Parks & Parkway and our 2011 Master Plan for the entire system – “*Buffalo Olmsted Park System, Plan for the 21<sup>st</sup> Century.*” We have discussed the project and its impacts with many of the other concerned parties and community groups.

You will read that **the process** by which this project was developed and designed is concerning to us. Due to our concerns identified below **we believe that the project should not receive a Finding of No Significant Impact (FONSI) and request that a full Environmental Impact Statement be conducted.**

It is the Conservancy's mission to steward Buffalo's historic Olmsted Park and parkway system to benefit and to welcome all. Advocacy and collaboration with the community are cornerstones of our work. When construction began on the Kensington Expressway in 1961, there was no Conservancy to act on behalf of the community to protect Olmsted's Humboldt Parkway. Today, it is clear to us that this process, to date, has not created clarity or consensus within the neighboring community. Therefore, we again request information that was requested over a year ago – a cultural landscape report and an environmental impact statement – to ensure project clarity and provide better, clearer information for neighboring residents.

Attached you will find our comments which have been separated by the sections listed in the EA. Thank you for your attention to our concerns and we look forward to a dialogue with NYSDOT and FHWA.

Very Truly Yours,

A handwritten signature in dark ink, reading "Beth Downing". The signature is written in a cursive, flowing style.

Beth Downing  
Interim Executive Director



## THE BUFFALO OLMSTED PARKS CONSERVANCY (BOPC) - ENVIRONMENTAL ASSESSMENT COMMENTS

### NEPA/Environmental Assessment Review Process

1. We believe that assigning this important project to FHWA/NYS DOT, which will greatly impact the lives of residents on the East Side of Buffalo, as well as the legacy of the Buffalo Olmsted Park and parkway system forever, is inappropriate. We understand that the objectives of the FHWA and NYSDOT are related to highways and traffic. This project should be viewed not only as a highway project but should provide the comprehensive review necessary to determine how to BEST provide social and racial justice remedies, mitigation of health concerns, holistic transportation, and community restoration.
2. We believe **the process** for securing feedback on the design and scope of this project from the neighboring residents has been insufficient. The two (2) public hearings held on September 27, 2023, did not clarify the concerns of the attendees as the NYSDOT officials were onstage and did not respond to any questions or comments from the audience.

### Health Assessment

Air quality at each end of the tunnel appears to be made worse by focused portal exhaust plumes. A solution must be determined within the design phase and not wait until construction has commenced. The health of the residents in the immediate area has already been negatively impacted by the current emissions. NYSDOT has acknowledged that with this project as designed the emissions at the ends of the tunnel will rise slightly but still within "acceptable levels." Therefore, this project, as designed, **does not** improve health outcomes for the neighboring residents.

Additionally, more details need to be provided on the extensive asbestos containment required during construction. Again, this should be determined within the design phase and not wait until construction has commenced.

**We strongly request the preparation of an Environmental Impact Statement (EIS) to evaluate the true health impacts of this proposed project properly and more fully.**

### Environmental and Sustainability

Given the proposed deconstruction of the Kensington Expressway for 1.2 miles and the lack of a real long-term maintenance or sustainability plan, we observe that we cannot determine whether this proposal will meet the mandates of New York State's new Climate Leadership and Community Protection Act (CLCPA).

The NYSDOT has publicly stated that BOPC will maintain and care for this newly designed space without ever consulting with our organization, creating false expectations for the public. Maintenance is a critical piece. This is a major concern of community members as well as BOPC as to additional cost and capacity within our organization to take on the maintenance of the proposed area.



BOPC's request for a maintenance sustainability study has been responded to by saying that the evaluation of the maintenance requirements and costs will be conducted during preparation of Construction Documents. A true preservation evaluation of this project must include ongoing maintenance and should be completed during the design phase.

### Cultural

We disagree with the Section 106 draft findings that this project will have No Adverse Effect on historic properties.

### Historic and Cultural Resources

1. We appreciate the historic research and the Cultural Resources Screening that was conducted for this project resulting in the identification of three (3) new National Register Eligible historic districts and five (5) new National Register Eligible individual properties. We request that NYSOPR&HP and NYSDOT work with local preservation organizations to initiate the National Register nominations of each of these districts and properties and that State funding be provided for this.
2. We request consideration of expanding the APE beyond the small sliver of properties identified. We appreciate that it was expanded north to Northland Avenue, but we believe it should be expanded in all directions, including evaluation of the historic Fruit Belt by expanding the Southern end of the APE from Best St. to the Lemon St. connection – this would reconnect the Fruit Belt community that lost the most housing/properties as part of the Kensington Expressway intrusion.
3. We also note that the obviously historic St. Frances de Sales Church complex at 407 Northland, at the corner of the Humboldt Parkway, was apparently not reviewed in the Cultural Resources Screening or included as a potentially eligible property.
4. We request that a CULTURAL LANDSCAPE REPORT (CLR) of the historic Humboldt Parkway/Kensington Expressway be conducted before we can reasonably review and agree with the Section 106 draft findings of "No Adverse Effects" and the suggested FONSI for this EA. A landscape of this historical significance requires the preparation of a CLR. This has been requested multiple times by BOPC and various other organizations and citizens. Its request has not been acknowledged in any document for over a year.
5. Despite BOPC and various other consulting parties, such as the Buffalo Museum of Science and Alan Oberst, requesting the preparation of a CLR, NYSDOT has never officially responded to this request. A historic landscape of this significance should be treated with the same respect, following the same National Park Service guidelines. There do appear to be remnants of the original Parkway still evident, and without documenting them, this will be lost forever. This is the last and only time that this can be done. We fear that the impact on the Olmsted-designed MLK Jr. Park has not been effectively evaluated.

6. A CLR is required to identify remains of the historic parkway, evaluate the existing 33 against the historic parkway and evaluate the proposed designs against the historic parkway. It would also provide the process to evaluate historic cross-sections of the parkway including appropriate tree heights and sustainability against the "reconstructed" parkway. Without the completion of a CLR, no capacity exists to evaluate what remains of the Parkway, what the actual design and landscaping materials of the Parkway were, and therefore how best to design a replacement OR a restoration.
7. While some comments by NYSDOT were made about reviewing the Olmsted Parks Plan, and attempting to follow the "historic plan," there appears to have been no purposeful evaluation or comparison that only a CLR with its related "Period Plan evaluation" can provide.
8. From all the documents provided, with evaluation and design apparently prepared by LaBella, it is unclear whether there has been any involvement in the project of Olmsted scholars or an experienced landscape historian, historic landscape architect and preservation architect with Olmsted expertise. We do not believe that the proposed "reconstructed" Humboldt Parkway resembles the historic Olmsted-designed Humboldt Parkway which connected MLK Jr Park with Delaware Park in any manner other than it has some grass and trees.

#### **Traffic & Transportation**

1. We are seriously concerned about the Project Objectives; especially "to maintain the vehicular capacity of the existing transportation corridor (approximately 76,000 vehicles)." All of our comments about this objective have been acknowledged and responded to with: "this is a given." Why is this a given? This basic question about the evaluation of public transit in WNY is one of the basic underlying questions about this entire process. The refusal to look outside the Kensington Expressway and consider a more comprehensive evaluation of public transit in WNY is imprudent. Another question is when has the latest traffic study been completed? Traffic volume has likely changed significantly since the pandemic with more people working from home.

#### **Greenspace/Parks and Recreational Resources**

It was referenced at recent meetings that there is potential for future phases of this project that could reconnect MLK Jr Park and Delaware Park. The Conservancy requests information about these potential phases and how the tunnel as it is currently designed impacts future expansion of green space.

#### **Design**

1. In alignment with the mission of the BOPC, the preferred solution for the 33 – Kensington Highway is to fully restore Olmsted's original design for Humboldt Parkway, concept 10, as previously stated in past comments. There appears to be growing community support for a "ONE ROAD NOW" concept that restores and reconnects MLK Jr. Park with Delaware Park, in true Olmsted design. We request that NYSDOT, FHWA and NYSOPR&HP initiate truly meaningful design discussions and engage a preservation architect with Olmsted expertise.



2. While the FHWA/NYSDOT documents and proposed design do provide roadway connections across the tunnel deck that would improve limited local roadway connectivity to reconnect the East Side neighborhoods separated by the Kensington Highway, neither the design option/s nor the supporting materials reply to or acknowledge the previous comments of BOPC, the majority of the consulting parties, concerned organizations and the public comments in a meaningful way. We believe it is imperative that the FHWA and NYSDOT respond and give serious consideration to the restored Humboldt Parkway or "One Road Now" concept. We request this again.
3. We remind you of the master plan that BOPC prepared for the Olmsted Parks in 2011 and goals for the restoration of the Humboldt Parkway that included:
  - a. Restore the historic integrity of the parkway element from the period of significance.
  - b. Transition towards historic planting types and restore historic tree plantings.
  - c. Improve safety, access, and circulation for vehicles, bicycles, and pedestrians.
  - d. Install historically appropriate light standards.
  - e. Install appropriate wayfinding and branding signage.
4. This tunnel with a cap is new construction, it is NOT a reconstruction or restoration according to National Park Service Secretary of the Interiors Standards for the Treatment of Historic Properties.
5. The "peanut-shaped traffic circle" on Best Street has no relationship to MLK Jr. Park, the historic Parade or Humboldt Parkway and should be eliminated.
6. Given that a multi-modal transit design approach including Light Rail Rapid Transit could provide more capacity than this remade Kensington Expressway and would potentially come with additional and separate funding streams, we believe that this \$1.2 Billion effort would have a negative impact on the citizens of Buffalo, their health and the historic resources related to the Humboldt Parkway, East side of Buffalo and New York State with few advantages.





# RIVER HERITAGE

## CONSERVANCY

November 7, 2023

Mr. Sanjyot Vaidya, Project Manager  
New York State Department of Transportation, Region 5  
100 Seneca Street  
Buffalo, N.Y. 14203

Dear Mr. Vaidya:

Humboldt Parkway, a key component of Buffalo's famed Olmsted park system, is at risk of losing a restoration opportunity forever. In the early days of the Buffalo Olmsted Parks Conservancy, I was engaged in its planning efforts due to my role as President of the Louisville Olmsted Parks Conservancy and board member of the National Association for Olmsted Parks. I vividly recall seeing the yawning gap in the City's interconnecting parkways and hearing discussions about the potential to cap the Kensington Expressway, regain greenspace, and reconnect neighborhoods.

Recently, I was elated to hear that the State of New York was undertaking this project. Now I am alarmed to learn that design decisions are being made in the absence of studies that are required whenever federally funded alterations are being planned for National Register properties. Research has shown that remnants of Humboldt Parkway remain, and that much more research is needed.

Because the current plan for NYS Route 33, Kensington Expressway Project (PIN: 5512.52) would have significant cultural and/or environmental impacts, an Environmental Impact Statement (EIS) is required. The EIS should include a traffic study of Buffalo and radial streets, an air quality study for the East Side, and an evaluation of commuting trends. A Cultural Landscape Report (CLR) for the historic Humboldt Parkway should also be undertaken. These two studies would identify potential adverse effects, define appropriate treatment, and inform management and investment decisions.

Going without these reports will ensure that reviewing agencies and decision makers lack sufficient context and understanding for determining the appropriateness of capping the Kensington Expressway. As for all significant projects, full design options for rehabilitating Humboldt Parkway should be developed with community participation.

Sincerely,

Susan M. Rademacher  
Executive Director

Cc Matthew Seymour, Hon. Pete Buttigieg, State Senator Tim Kennedy, Assembly Member Crystal Peoples-Stokes, U.S. Senator Schumer, U. S. Senator Gillibrand, N.Y. Governor Kathy Hochul

P.O. Box 486, Jeffersonville, IN 47131-0486 • (812) 786-3420 • [riverheritageconservancy.org](http://riverheritageconservancy.org)



November 1, 2023

Ms. Sanjyot Vaidya  
Regional Design Engineer  
Department of Transportation, Region 5  
100 Seneca Street  
Buffalo, New York 14203



Dear Ms. Vaidya,

My name is Mark Mortenson, I am currently the President and CEO of the Buffalo and Erie County Botanical Gardens. My involvement with the ROCC began in 2008 while I was the President and CEO at the Buffalo Museum of Science. I was honored to be one of the founding members of the team and I learned a lot about the east side community from this amazing group of people including the late Lumon Ross.

What seems to be forgotten in the current discourse about covering the 33 is the WHY. This project first began for 2 main reasons: One, to prevent the ongoing health related impacts to the community caused by the emissions/fumes created by the traffic of the 33 and Two, to reunite a community that was literally split apart by the 33.

There have been numerous studies that the ROCC can resurrect about the health related impacts to the surrounding neighborhoods caused by the increased emissions created by the 33. With the help of the University at Buffalo School of Architecture under the guidance of Robert Shibley, there were many studies and models that were explored to ensure that the health impacts were reduced.

One option showed the 33 bring brought to an at grade boulevard. This option did not reduce the emissions impact it only brought it closer to the community and increased the negative health impact. In addition to the health impacts, the traffic going through the middle of the community would create additional safety concerns for pedestrians and would not succeed in reuniting the community. The recommended option achieve the goals of this project was to "cover" the current expressway.

The Department of Transportation has brought in many experts to study the cover option to ensure that the emissions are treated to eliminate the ongoing health impacts experienced by community members along the 33.

The Department of Transportation has also assured the neighbors that there will be no property that will be taken, unlike what happened when the 33 was installed. I know that the neighbors have expressed they are concerned about noise. Yes, that is a valid concern and I also believe that the Department of Transportation will minimize that disruption as much as possible.

What happened when the 33 was installed was a sin. A sin against the Olmsted Park and Parkway system, a sin against a City and most importantly a sin against the residents on the east side. It is finally time to eliminate this sin from our community and cover the 33 so we can begin the healing. It is hard to heal a community when you have a gaping hole in the middle.

Respectfully,

Mark Mortenson  
Former President and CEO of the Buffalo Museum of Science  
Current President and CEO of the Buffalo and Erie County Botanical Gardens

**From:** [Slow Roll Buffalo](#)  
**To:**  
**Subject:** Slow Roll Buffalo's Statement on the Future of Humboldt Parkway  
**Date:** Wednesday, November 1, 2023 7:14:03 PM

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Dear DOT officials,

Since the founding of Slow Roll Buffalo in 2014, we have advocated for safer streets and social connection as an antidote to segregation, most notably beginning with our 2016 Parkway Revival Ride that took over the Scajaquada Expressway for bicycles to envision a better-connected community. From that point on, we've been members of both the Scajaquada Corridor Coalition (SCC) and Restore Our Community Coalition (ROCC), the latter serving as the lead advocate for the restoration of Humboldt Parkway, which was destroyed to build the Kensington Expressway in a shameful act of systemic racial segregation - or as ROCC leaders called during a 2016 Slow Roll, "the greatest planning mistake in the history of Buffalo."

Slow Roll has stood with ROCC throughout the eight years since, regularly advocating for parkway revival in our rides while quietly attending coalition meetings both in community and with representatives of the New York State Department of Transportation (DOT). During yet another contentious public meeting with DOT officials in 2019 in which they continued to prove that their primary purpose and narrow focus is the convenient commute of drivers to and from the suburbs instead of the health and well-being of surrounding residents, we and others proposed that they step aside and allow more trusted representatives from the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) to lead the community engagement process and produce a more holistic set of options for restoring Humboldt Parkway - as they've done through the Region Central approach to the connected Scajaquada Corridor, after a similarly contentious public meeting there. Uniting the visions and plans for the future of these historic Olmsted-designed parkways would be in keeping with the One Road philosophy championed by leaders from ROCC. Sadly, as usual, these calls were ignored.

More recently, in response to national social unrest and local racial terrorism, government officials from Washington to Albany have finally begun viewing the restoration of Humboldt Parkway as a social justice issue, leading to a commitment of more than \$1 billion for a transformative reconstruction of this highway through the heart of Buffalo. Yet still, after years of stonewalling ROCC and other community groups in their pleas to put the immediate community first, DOT officials have held firm in their commitment to the convenient commute of cars over the continued concerns of the residents most impacted



by air pollution, social segregation, and the economic effects of abandoning East Side commercial corridors in favor of an urban highway.

As we call today for a slowing down of the suddenly speedy plans to turn part of the Kensington Expressway into a tunnel in order to only *partially* restore Humboldt Parkway - a billion-dollar bandaid on this open wound through the heart of our city - we thank ROCC members for envisioning and demanding better for our future, and still stand with the residents who have suffered most from this systemic oppression and still will if this project moves forward as currently proposed. While we applaud DOT officials for extending the current public comment period two more weeks through November 10th, it's merely another half-step. We hereby call for the following:

1. Repeating the calls of fellow community organizations, we request the public comment period be extended 90 days for deeper community engagement.
2. Repeating our 2019 call to install the GBNRTC as liaison between Buffalo residents and DOT officials, more recently echoed by leaders of fellow SCC & ROCC member Buffalo Olmsted Parks Conservancy, who said, "Viewing this as a highway project, only, is short-sighted and does not provide the comprehensive review necessary to determine how to best provide holistic transportation, community restoration and social justice remedies."
3. The DOT should conduct a Full Environmental Impact Statement, including options for both capping the Kensington Expressway and fully restoring Humboldt Parkway. Echoing our partners from the Clean Air Coalition, "A project of this scale within a Disadvantaged Community under the NYS Climate and Community Protection Act needs to have an in-depth environmental review beyond the scope of the Environmental Assessment currently presented. This review should include Air Quality monitoring and analysis as well as modeling and assurances of air quality safety during construction. The presence of asbestos in the retaining walls is of concern and the public safety from this hazardous substance should be further evaluated and more details given to the public. Concentrations of lead in the soil of the highway corridor should be investigated prior to construction."

Partial justice is still injustice. Partial connection still leaves us segregated. Slow Roll will continue in our commitment to connecting communities.

On behalf of our Board of Directors,  
Janelle Brooks  
President, Slow Roll Buffalo



Mrs. Sanjyot Vaidya  
Project Manager  
New York State Department of Transportation,  
Region 5  
100 Seneca Street  
Buffalo, NY 14203

AND

Matthew Seymour  
Senior Area Engineer  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207

Re: Comments on PIN: 5512.52, September 2023 NYSDOT Draft Design Report/Environmental Assessment (DDR/EA) - NYS Route 33, Kensington Expressway Project

Dear Mrs. Vaidya and Mr. Seymour,

We continue to be very concerned about this project as it has been developed and designed. Due to our concerns and the issues previously shared and attached, we believe that the project should NOT receive a Finding of No Significant Impact (FONSI) and demand that a full Environmental Impact Statement be conducted. It is imperative for our city, the impacted communities, and the legacy of the Olmsted Park and Parkway System that a more comprehensive approach and evaluation of this project can be completed following the Region Central process with more consequential involvement of the community.

Attached you will find our previous comments. Thank you for your attention to our concerns, and we look forward to continuing meaningful dialogue.

Sincerely,

Justin Booth  
Executive Director

GObike Buffalo offers the following feedback on the most recent iteration of the Kensington Expressway Cap project Build Alternative. Our input is informed by both professional experience in designing safer streets for all types of road users, and by personal experience as a team of people who personally depend on biking, walking, and public transportation as our primary forms of transportation.

1. The dual objectives of reconnecting the community by creating continuous greenspace while also maintaining “the vehicular capacity of the existing transportation corridor” are so specific that they constrain alternatives.
2. The objectives say nothing about reducing the health and environmental impacts experienced by those who live in the surrounding neighborhood.
  - a. The project purpose indicates that the project should improve compatibility of the corridor with adjacent land uses, which should necessitate a study of the health and environmental impacts negatively impacting households on Humboldt Parkway.
3. Assuming that vehicular capacity must be the same violates the CLCPA because it fails to consider the impact of maintaining traffic capacity on the state’s climate goals. This project must comply with CLCPA section 7, and the NYSDOT must “consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions” goals. Additionally, the project area is located within a “Disadvantaged Community” for CLCPA purposes. This means that NYSDOT should look for ways to reduce traffic, reduce speeds, and reduce overall vehicle miles traveled to reduce the overall pollution burden on this community as well as the overall GHG emissions of the roadway.
4. A major takeaway of the Region Central process has been the determination of how many trips originating in "Region Central" are longer than they need to be because people have to go around the Expressway. This is an important piece of analysis that must be done for Kensington as well to understand the true cost-benefit basis for "maintaining the vehicular capacity" of this roadway. How many households must take longer trips to access basic needs because of the highway as a barrier? What is that cost in both emissions and negative health impacts?
5. The project objectives lack clarity on coordinating and collaborating with the Region Central study for the Scajaquada being conducted by the GBNRTC.
6. Because this project is limited in its scope to just a segment of the highway, it inherently fails to address the health, economic, environmental, and social impacts of the highway in the adjacent neighborhoods outside the project boundaries, but still affected by the existence of the highway.
7. The Kensington Expressway Cap project should be designed in such a way that it is not prohibitive for future parkway restoration or capping work outside of the existing scope of work, especially in relation to the Region Central/Scajaquada Expressway project.



Through Region Central, a robust community planning and technical exploration process, the community in Buffalo has demonstrated a long-term desire to see the full corridor of the 198 and 33 from I-190 to downtown transformed to create stronger community connections, improve public health, foster opportunities for non-automotive transportation options, and repair inequitable investment patterns from the last 70 years. Although the Kensington Expressway Capping project scope does not extend north to the 198, the infrastructure being changed or built in this project should not impede future redevelopment of the 198 according to the recommendations of the Region Central process.

8. Streets in surrounding neighborhoods that are being improved through the project should be implemented with complete streets principles in mind, including crosswalks, bump outs, raised intersections, improved sidewalks, and protected bike infrastructure. Streets in this focus area that are listed on the City's Bicycle Master Plan should be improved, at the very least, in accordance with the recommendations outlined in that plan.
9. While the Best Street roundabout proposal is an improvement over signalized intersections, the lack of any type of bike infrastructure will be a barrier to families on bikes who are attempting to get to the park from points west of the expressway. Please explore providing separated bike facilities that offer better connectivity to the park by bike along this route. Because this section of roadway is an important connection between a residential neighborhood and the community's largest park, a school, and a youth-oriented cultural amenity (Buffalo Science Museum), street infrastructure should reflect that many of the users will be children and families. By not creating a safe, separated bike facility here, you significantly reduce the ease of access for this group of road users who will likely feel it is not safe enough to use. Riding on the sidewalk should not be a proposed solution because for bicyclists over the age of 14, it is illegal to ride on the sidewalk. Riding on the sidewalk can also create more conflicts between pedestrians and bicyclists, especially as e-bikes with higher speeds become more prevalent.
10. The jet fan proposal for ventilation is an improvement on the idea of tearing down homes to install ventilation shafts but still does not solve the problem of improving air quality in the neighborhood. It is our understanding that the proven ways to reduce vehicular pollution are to: (1) reduce the number of vehicles/vehicle miles traveled, (2) reduce vehicular pollution at the tailpipe through stricter pollution standards for cars, trucks, and buses, (3) reducing vehicular speeds, and (4) reducing traffic congestion. The proposed build alternative does not solve the problem of air pollution caused by the expressway but instead concentrates the air pollution in parts of the neighborhood that are already not benefiting from the cap. A solution that does not tear down homes, impose ventilation structures on the landscape, or concentrate pollutants into certain areas of the neighborhood should be a core component of this project. Please clarify

how the ventilation options will lead to less vehicular pollution from the roadway if the road capacity, speed, and congestion are maintained. If the ventilation is meant to emit vehicular emissions higher into the air, there should be modeling to show the dispersion of the air emissions and the effects on both the adjacent community and those residents living further away from the roadways.

11. The bike lanes along the capped portion of Humboldt Parkway are currently proposed as being placed between the vehicle travel lane and the parking lane. However, this solution creates conflicts between vehicles and bicyclists, including people pulling in and out of parking spaces with people on bikes next to them and people opening their doors into the bike lane while people are riding next to them. A safer alternative is to place a protected bike lane between the grass section of the parkway and the vehicle parking lane. This alternative creates separation between people on bikes and vehicles, reducing chances of conflict. An example of this layout can be seen along Niagara Street in Buffalo. Another option could be placing a path within the planted median. There is historical precedence for this in many of Olmsted's original designs, even here in Buffalo.
12. Improved transit access either through light rail expansion or dedicated bus lanes should be a key strategy to meet the project objectives and support the mobility needs of a community where a third of the households do not have access to a vehicle.

**From:**  
**To:**  
**Subject:** Kensington Expressway Project  
**Date:** Wednesday, November 1, 2023 2:57:24 PM

on behalf of [Mary Martin](#)



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ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear NYS DOT,

As a citizen who cares about the history, culture, and residents of Buffalo, NY, I strongly oppose the Kensington Expressway/Humboldt Parkway project. This project is a threat to the historic districts and properties that are located along the expressway. These are not just buildings, but symbols of our identity and heritage. They represent the stories, achievements, and struggles of our ancestors and communities.

The Area of Potential Effect that you have defined is too small and does not take into account the indirect impacts that the project will have on the surrounding historic areas. These areas include the Martin Luther King Jr. Park Historic District, the Hamlin Park Historic District, and other historic properties located along the construction path. These areas have architectural and cultural significance, and they deserve to be protected and preserved. They showcase the diversity, creativity, and resilience of our city's people and neighborhoods.

The project may cause direct physical damage to these historic resources due to vibration, excavation, demolition, or alteration. It may also cause indirect visual, auditory, or atmospheric impacts that may diminish the integrity of these historic resources. This project may affect our air quality as well, not only throughout construction but after the tunnel is built. These impacts may not only harm the historic resources themselves, but also the people who live in, work in, or visit these areas.

I urge you to rethink this project and to consult with the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), and the local preservation groups and community members. We do not want to see our historic resources destroyed or degraded by the construction process, and I am concerned that this project will inflict lasting damage to our historic resources. We value our history and culture in Buffalo, and we want to preserve our city's resources for ourselves and for future generations. This project is not only a transportation issue, but also a cultural issue. It affects not only the present but also the future. I hope that you will listen to my concerns and work with Buffalo residents to find a better alternative that respects and protects our history.

Sincerely,

Sincerely,  
Ms. Mary Martin



**From:**  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** Kensington Expressway Project  
**Date:** Friday, November 3, 2023 6:04:10 PM

on behalf of [Mary Sykes](#)



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Dear NYS DOT,

As a citizen who cares about the history, culture, and residents of Buffalo, NY, I strongly oppose the Kensington Expressway/Humboldt Parkway project. This project is a threat to the historic districts and properties that are located along the expressway. These are not just buildings, but symbols of our identity and heritage. They represent the stories, achievements, and struggles of our ancestors and communities.

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The project may cause direct physical damage to these historic resources due to vibration, excavation, demolition, or alteration. It may also cause indirect visual, auditory, or atmospheric impacts that may diminish the integrity of these historic resources. This project may affect our air quality as well, not only throughout construction but after the tunnel is built. These impacts may not only harm the historic resources themselves, but also the people who live in, work in, or visit these areas.

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Sincerely,

Sincerely,  
Ms. Mary Sykes

**From:** on behalf of [Laura Fleischmann](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** Kensington Expressway Project  
**Date:** Saturday, November 4, 2023 6:06:45 PM

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Dear NYS DOT,

As a citizen who cares about the history, culture, and residents of Buffalo, NY, I strongly oppose the Kensington Expressway/Humboldt Parkway project. This project is a threat to the historic districts and properties that are located along the expressway. These are not just buildings, but symbols of our identity and heritage. They represent the stories, achievements, and struggles of our ancestors and communities.

The Area of Potential Effect that you have defined is too small and does not take into account the indirect impacts that the project will have on the surrounding historic areas. These areas include the Martin Luther King Jr. Park Historic District, the Hamlin Park Historic District, and other historic properties located along the construction path. These areas have architectural and cultural significance, and they deserve to be protected and preserved. They showcase the diversity, creativity, and resilience of our city's people and neighborhoods.

The project may cause direct physical damage to these historic resources due to vibration, excavation, demolition, or alteration. It may also cause indirect visual, auditory, or atmospheric impacts that may diminish the integrity of these historic resources. This project may affect our air quality as well, not only throughout construction but after the tunnel is built. These impacts may not only harm the historic resources themselves, but also the people who live in, work in, or visit these areas.

I urge you to rethink this project and to consult with the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), and the local preservation groups and community members. We do not want to see our historic resources destroyed or degraded by the construction process, and I am concerned that this project will inflict lasting damage to our historic resources. We value our history and culture in Buffalo, and we want to preserve our city's resources for ourselves and for future generations. This project is not only a transportation issue, but also a cultural issue. It affects not only the present but also the future. I hope that you will listen to my concerns and work with Buffalo residents to find a better alternative that respects and protects our history.

Sincerely,

Sincerely,  
Miss Laura Fleischmann

**From:** on behalf of [Deeny Shatkin](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** Kensington Expressway Project  
**Date:** Saturday, November 4, 2023 10:40:13 PM

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Dear NYS DOT,

As a citizen who cares about the history, culture, and residents of Buffalo, NY, I strongly oppose the Kensington Expressway/Humboldt Parkway project. This project is a threat to the historic districts and properties that are located along the expressway. These are not just buildings, but symbols of our identity and heritage. They represent the stories, achievements, and struggles of our ancestors and communities.

The Area of Potential Effect that you have defined is too small and does not take into account the indirect impacts that the project will have on the surrounding historic areas. These areas include the Martin Luther King Jr. Park Historic District, the Hamlin Park Historic District, and other historic properties located along the construction path. These areas have architectural and cultural significance, and they deserve to be protected and preserved. They showcase the diversity, creativity, and resilience of our city's people and neighborhoods.

The project may cause direct physical damage to these historic resources due to vibration, excavation, demolition, or alteration. It may also cause indirect visual, auditory, or atmospheric impacts that may diminish the integrity of these historic resources. This project may affect our air quality as well, not only throughout construction but after the tunnel is built. These impacts may not only harm the historic resources themselves, but also the people who live in, work in, or visit these areas.

I urge you to rethink this project and to consult with the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), and the local preservation groups and community members. We do not want to see our historic resources destroyed or degraded by the construction process, and I am concerned that this project will inflict lasting damage to our historic resources. We value our history and culture in Buffalo, and we want to preserve our city's resources for ourselves and for future generations. This project is not only a transportation issue, but also a cultural issue. It affects not only the present but also the future. I hope that you will listen to my concerns and work with Buffalo residents to find a better alternative that respects and protects our history.

Sincerely,

Sincerely,  
Mrs. Deeny Shatkin



**The American  
Institute  
of Architects**

-----Original Message-----

From: Scott Selin

Sent: Thursday, November 9, 2023 10:01 AM

To:

Cc:

Subject: [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Selin, Scott

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: American Institute of Architects

Comment: I would like an Environmental Impact Statement completed for this project. What is the effect on air quality for the neighborhoods at the ends of the tunnel? I would like to see a project that complies with NYS Climate Leadership and Community Protection Act mandates. I would like to see the removal of the Kensington Expressway and restoration of Humboldt Parkway from Delaware Park to MLK Park. Other cities in upstate NY have either removed or are in the process of removing similar highways. Why can't we do this in Buffalo? Putting traffic back on arterial streets would benefit small businesses and city neighborhoods.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

Sent from my iPad

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**From:** Laura Lubniewski

**Sent:** Thursday, November 9, 2023 11:24 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Lubniewski, Laura

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: University at Buffalo Department of Architecture and Planning

Comment: I do not support the DOT's proposed capping of the Kensington Expressway as is. There must be an Environmental Impact Assessment completed providing information on air pollution, noise pollution, and impacts on local residents' health. There has not been an adequate transportation study on how this money might be used for public transportation and complete streets improvements that move people around the city by bus, lightrail, and bicycle. Furthermore, this proposal is in direct violation of the Climate Leadership and Community Protection Act (CLCPA). The CLCPA requires prioritization of reducing greenhouse gas emissions and co-pollutants in disadvantaged communities. The capping will concentrate car emissions on either end of the tunnel and result in lower health outcomes for those who live and work in that area, a historically disadvantage, red-lined, black neighborhood. This is unacceptable. Buffalo deserves better. I support a full restoration of Olmstead's Parkway system.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

## Public Comment by Citizens for Regional Transit

November 10, 2023

Re: KENSINGTON CORRIDOR PROJECT

PIN: 551252

AGENCY: NYSDOT

AIR QUALITY: NON

**DESCRIPTION:** RECONNECTING NEIGHBORHOODS ON EAST AND WEST SIDES OF 1.3-MILE SECTION OF NY RT 33 KENSINGTON EXPRESSWAY.

**PROJECT SCOPE:** STUDIES

**LET DATE:** FFY 25

**TOTAL PROJECT COST:** \$1,079,160,000

### To Whom it May Concern:

Citizens for Regional Transit (CRT) has attended all NYSDOT's Kensington Project public meetings and your Public Hearing on 27 September 2023. The Comments read by our president, Douglas Funke, at the Public Hearing summarize our comments.

We also stand by the letter we sent NYSDOT on 29 July 2023. Today's letter is an update and expansion.

These comments are in two parts:

(Part 1) The Kensington Project needs to incorporate the larger transportation planning context. The scoping area needs to include more than just 1 mile of expressway. It must consider the Region Central Project and plans for extending Buffalo Metro.

(Part 2) The project must comply with the latest NYS environmental laws, especially the Climate Leadership and Community Protection Act (CLCPA) and NYS' "green Amendment" to the NYS Constitution.

## Part 1. The Kensington Project must move forward in the context of WNY transportation long range plans.

Citizens for Regional Transit (CRT) opposes the NYS DOT Kensington Expressway highway improvement project's build alternative after reviewing the NYSDOT design, and the draft Environmental Assessment. The Community requires a comprehensive approach to aging infrastructure. The piecemeal approach taken by NYS DOT is inadequate and does not meet the needs of our region. The Build Alternative does nothing to support the State's goal of reducing emissions via the Climate Leadership and Community Protection Act (Climate Act), and only cements in place truck and car exhaust for a generation or more.

### History

Today we have the benefit of learning from history. Plans for the Kensington Expressway were announced November 3, 1950. In a news story published by the Buffalo Evening News, "State Offers Expressway Plan to City" the Buffalo Common Council was approached by NYS with plans for the Kensington Expressway.

The article states the objectives of the proposed Kensington expressway project as:

"The expressway is designed to break traffic out of its present shackles and to allow an auto driver to cut his running time in half from the airport to downtown or Bailey Ave. to downtown with proportionate saving of time between intermediate points and also to relieve traffic congestion on adjacent streets."

"...to build a two-way, six-lane arterial, separated by a park strip and landscaped along the sides. Its capacity will be 75,000 vehicles a day. It will be devoid of traffic lights, but will have large directional signs."

The cost of the project includes the taking of "639 Residences, 71 other buildings in its path."

Between 11/3/1950 and the start of construction, the plan evolved. NYS championed an elevated highway, but the neighborhood wanted a depressed roadway. The Buffalo Common Council ultimately approved the depressed version we have today.



### *Does the Kensington Expressway meet its original objectives?*

Today we can evaluate whether the project goals were met. NYS DOT traffic count data indicates the highway carries 75,000 cars daily at East Utica Street. Congestion on nearby urban streets and arterials was eliminated. Time savings for motorists was achieved. By these measures and by “level of service” standards the Kensington Expressway is a success story, although at times level of service suffers.

The projected costs were realized. 639 Residences and 71 other buildings were destroyed. Families were displaced. Businesses were ruined. The linear park of Humboldt Parkway connecting Delaware Park and Humboldt Park was ruined. Olmsted parks were disconnected.

### *Unanticipated consequences and costs*

The Kensington Expressway planners thought the expressway would add value to the neighborhood. They said values would rise. They didn't. Property values fell by 80% on Humboldt Parkway and surrounding streets. The most beautiful street in the city, some said in the nation, was transformed into the ugliest street imaginable, ruining Buffalo's reputation as an Olmsted City and costing the entire city immense loss of value and tax revenue.

Inducing 75,000 cars daily from city streets and arterials to the expressway resulted in streets having little traffic. The consequence was economic collapse of the East Side. While reducing congestion and improving safety on Buffalo's arterials, the lack of traffic caused most businesses to close and ruined the east side neighborhoods transitioning them from livable, walkable neighborhoods to business deserts and deteriorated housing.

The collapse of the neighborhood business districts is recognized and is now being remediated by NY State's East Side Avenues Initiative to the tune of \$200M. It is counterproductive for NYS DOT to rebuild the Kensington expressway which induces traffic away from the business districts NYS is working to restore. Business districts need the traffic the expressway captures.

The safety record of the Kensington Expressway is appalling. Disabled vehicles put into precarious positions, crashes, injuries, and deaths plague this highway. During the period of October 2022 through January 2023 there were four fatalities on the highway adjacent to the project area.

Deterioration of the expressway walls and bridges leads to today's NYS DOT proposal to rebuild the 6-lane expressway thus repeating the 1960s mistake of destroying a renown Olmsted parkway for the sake of prioritizing travel by car. If the build alternative were to be implemented, Buffalo will have missed an opportunity to reconnect and restore historic infrastructure while applying 21<sup>st</sup> century priorities and wisdom.

### *Proposed Build Alternative Objective Deficiencies*

According to the [NYS DOT Kensington Expressway web site](#) on October 23, 2023:

“The purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.”

NYS DOT’s project objectives in the DDR/EA include “maintaining the vehicular capacity of the existing transportation corridor”. This project objective overwhelms all the other objectives and constrains the nature of the project. Many of the comments in previous comment periods were dismissed out of hand because they did not meet the criteria of “maintaining the flow of vehicular traffic.” Regardless, there are fundamental problems with the objective as currently stated.

#### *Objective failure #1:* **Scope**

The limits of the defined corridor are too narrowly defined. There is an unacceptable gap between Sidney St. and East Delavan Ave. The Fruit Belt neighborhood is excluded. These constraints doom the project. The communities that ought to be reconnected extend beyond Best and Sidney Streets as defined in the project scope. To reconnect the community, the project must reconnect MLK Park with Delaware Park and include the Fruit Belt. The defined corridor fails to reconnect the community.

The scope fails in that it is limited to highways and cars and to perpetuating today’s car-centric transportation system. The project scope must include multimodal transportation components, especially public transit. And it must include current and future multimodal transportation components. We need to invest in the future. The Kensington build alternative is investing in the past.

#### *Objective failure #2:* **New York's Climate Leadership & Community Protection Act Requirements are Ignored**

State law demands that the Kensington Expressway project reduce vehicle miles traveled and consider public transportation. The CLCPA requirements are not met by the NYS DOT project objectives. The project objectives must include CLCPA requirements.

## Additional Factors to Consider

### *Population changes*

MacroTrends<sup>1</sup> from the United Nations shows the Buffalo Area Metro Area Population as follows:

1950 899,000

2023 884,000

The current population represents a 1.17% decline, which is negligible. There are more cars today than in 1950 and there is more sprawl.

According to UN projections, we should be planning now for population growth. This is the perfect time to add light rail rapid transit capacity to the region.

*Figure 1 Buffalo Metro Area Population 1950-2037*



<sup>1</sup> [Buffalo Metro Area Population 1950-2023 | MacroTrends](#)



### *Aging Infrastructure*

The Kensington Expressway is not the only infrastructure in WNY that has passed its useful lifespan. CRT is aware that the Skyway Bridge, NY 198, and NY 33 are high priority projects under consideration.

### *Highway Capacity vs Light Rail Rapid Transit (LRRT) Capacity*

Kensington Expressway's traffic peaks at 6,000 cars per hour in both directions.

Figure 2 NYS Route 33 Existing 24-hr Traffic Counts



A full 4-car Metro Rail train comfortably carries 560 passengers. Trains having 10-minute headways peak at 6,720 passengers per hour for both directions. There is even room for additional train capacity by increasing train departure frequency and by boarding up to 700 passengers per train. Rail capacity is about the same as the peak number of people the Kensington expressway currently carries.

### *Facing Kensington Expressway reconnection facts*

NYS DOT and the Governor need to admit it is impossible to reconnect the parks without completely restoring Humboldt Parkway between the Science Museum and Agassiz Circle. Doing so would be the best option for the community, the City, and the region. This involves filling in the Kensington Expressway in more than the currently defined project area.

NYS DOT simply throwing their hands up and doing nothing between Sidney St and East Delavan Ave. proves that the goal of maintaining the continuous flow of traffic is incompatible with reconnecting the parks and neighborhoods. Reconnecting the parks requires new thinking and abandoning the idea of capping the expressway.

## **CRT Recommends Taking a Comprehensive, Regional Approach**

There are large interdependent infrastructure projects planned and underway that should be considered from a regional perspective:

:

- The Buffalo Bills Stadium
- Extending Metro Rail to and refurbishing DL&W Terminal
- Extending Metro Rail to Amherst
- Region Central
- East Side Avenues
- Central Terminal Restoration
- Bus Rapid Transit on Bailey Ave
- NFTA Metro Rail East Side/Airport and Southtowns exploratory studies

### *NY-198, Scajaquada Expressway/Region Central*

Great progress has been made by the Metropolitan Planning Organization (MPO), the Greater Buffalo Niagara Regional Transportation Council (GBNRTC), on the NY-198 project under the name of Region Central. The MPO plan for NY-198 between I-190 and East Delavan Ave. should be integrated with the Kensington Project. Construction of Region Central should be accomplished by NYS DOT while Kensington plans are finalized.

### *NY-33, Kensington Expressway*

The MPO should be tasked with expanding the NY-198 plan to be continuous and contiguous with plans for NY-33 from East Delavan Ave to the Elm/Oak arterial. The planning process should begin immediately.

We think construction of the NY-198 portion should be started right now. The Region Central cross-section proposal for Humboldt Parkway between Agassiz Circle and East Delavan Avenue should be promoted as the candidate preferred alternative. We think it is worth challenging the MPO to complete the plan within 8 months.

The overall WNY population today is about the same as it was in 1950, but there's a lot more cars. The expressway today is carrying 75,000 cars daily. Buffalo arterials, which are now underutilized, can handle added traffic from expressway closure.

CRT has long advocated for expanding Metro Rail from downtown to the airport and Transit Road using existing publicly owned rights-of-way in accordance with longstanding NFTA plans. City streets can handle today's Kensington traffic without gridlock, but anticipated population growth in the near future will require a new high capacity, high speed LRRT alternative. We think the LRRT expansion should be fast-tracked along with the removal of the Scajaquada and Kensington expressways because these projects all affect the same motorists and populations.

This is the environmentally friendly answer to moving large numbers of people now jammed and congested on the Kensington and other area expressways. As we stated, LRRT from Downtown to the Airport and beyond would provide ample capacity for today and future population growth. LRRT meets the NY CLCPA objectives of reducing Vehicle Miles Traveled.

LRRT reduces demand for fossil fuel, while eliminating greenhouse gas emissions. LRRT would also eliminate microplastic and fish-killing 6PPD-quinone pollution from tires. LRRT provides opportunities for equitable transit-oriented development (eTOD). The proposed Kensington Expressway highway project offers no development opportunities for the City of Buffalo or the Town of Cheektowaga.

CRT anticipates not all motorists will switch to LRRT. CRT expects that a good percentage will transition to LRRT while others will use cars on City streets and arterials providing additional, much-needed traffic to traffic-starved commercial streets without causing overwhelming congestion and safety concerns. We think LRRT would bring more people to and from downtown faster than the Kensington Expressway.

The NFTA is currently working on expanding Buffalo Metro into the DL&W terminal and to Amherst. The DL&W extension sets the foundation for subsequent extensions to the East Side and airport. The NFTA expects to have funding in FY2025 (during 2024) to study other extensions, building on the many prior Metro Rail extension studies done over the years.

CRT proposes that design and building the Amherst and DL&W extensions be completed while East Side / airport and other Metro Rail extensions are studied.

The East Side Metro Rail extension should be fast-tracked so that the system is up and running as soon as possible to relieve traffic on Buffalo's arterials and remaining expressways (e.g., the I-190) and to expedite meeting environmental mandates of the CLCPA law. We recognize this is a very ambitious timeline but are confident that NYS DOT and the NFTA are up to the task.



### *Skyway Bridge*

In order to avoid a similar time-crunch for Skyway Bridge removal, we think now is also the best time to embark on the southtowns extension for Metro Rail in conjunction with the new Bills stadium. Having LRRT in place before removal of the Skyway bridge makes the awkward shunt for Route 5 Fuhrmann Blvd traffic to I-190 unnecessary.

The same capacity, equity, eTOD and pollution reduction advantages available for the East Side/airport extension are also provided by the southtowns Metro Rail extension. CRT has confidence that NYS DOT and NFTA are capable of handling the two large construction projects of the East Side and southtowns Metro Rail extensions simultaneously.

## Part 2 Complying with NYS Environmental laws.

### Introduction

Beyond the many reasons the build alternative should not be undertaken as proposed, summarized in Part 1 above, it should be immediately rejected and disqualified based on environmental considerations and NYS legal mandates. The original sin of the Kensington Expressway is that it pollutes and poisons the disadvantaged communities that it goes through. As originally stated on Reconnect Our Community's (ROCC) website:

*"Pollution from Route 33 traffic has caused inordinate respiratory illnesses for families in the community. Give our children a clean, safe environment by decreasing pollution and health hazards caused by heavy traffic volume. Capping the Humboldt section of the Kensington doesn't do anything to help with health outcomes. As a matter of fact, it concentrates car and truck exhaust."*

The DDR/EA build alternative as currently defined fails to meet the most important injustice suffered by the impacted community, Buffalo's East Side.

### NYS Environmental Laws Violated

Based on a legal expert's opinion, CRT believes the DDR/EA build alternative selected by the NYS DOT fails to comply with the NYS Constitution's "Green Amendment" and recent environmental laws put in place to combat the existential threat of climate change that we all face.

These laws are too important to the wellbeing of our planet and NYS's economy and health to ignore. The NYSDOT's build alternative fails to comply with:

- The NYS Constitution's "Green Amendment."
- The mandates of the NYS CLCPA law.

The NYS Constitution's "green Amendment" simply states:

*"... each person shall have the right to clean air and water and a healthful environment."*

This Constitutional Amendment was approved November 2<sup>nd</sup>, 2021, directly by NYS voters in by a 2 to 1 margin! It is a direct reflection of the will of NYS citizens and must be respected by all State agencies.

NYS CLCPA Law provides specifics. It mandates that NYS projects be developed in ways that participate in achieving 40% reductions in greenhouse gases economywide by 2030 (and 85% by 2050). It's not even close. The NYSDOT build alternative has completely failed to address and meet these legal requirements.

#### *Specific DDR/EA CLCPA and Draft Scoping Plan Violations*

The DDR/EA cites the CLCPA law 17 times. On Page 148 it says,

*"... the Project has been designed and assessed in consideration of the requirements of New York's CLCPA law."*

But on Page 275 the DDR/EA says that:

*"... the Build Alternative will reduce CO2 by 0.04% by 2047 and therefore the Project would be consistent with CLCPA."*

This is not a meaningful decrease and is many orders of magnitude below the CLCPA mandates. And on Page 201 the DDR/EA says that particulate matter increases.

*"... particulate` matter equal to or less than 2.5 micrometers (PM2.5) would ... increase slightly (6% or less) near the tunnel exit portals."*

We don't agree that 6% is a "slight" increase when levels of pollution are already causing serious health problems for East Side residents as ROCC pointed out so many years ago and is reiterated in this letter with updated specificity.

The project DDR/EA says nothing about concentrations and distribution of micro-plastics, 6PPD-quinone from car tires, or asbestos known to be generated from brakes, pollutants known to cause serious environmental and health damage. Also, the NYSDOT DDR/EA fails to address how the asbestos in Kensington Expressway walls will be contained during construction. If NYSDOT insists on moving ahead with this build alternative, at a minimum, we call for a full Environmental Impact Statement (EIS) analysis that sorts out these issues and fully involves the local communities.

The CLCPA requires DOT to prioritize alternatives that reduce vehicle miles travelled (VMT). Therefore, NYSDOT's DDR/EA section S.2.1 Purpose and Objectives must be rewritten. The following DDR/EA objective itself violates the CLCPA and must be removed:

*"Maintain the vehicular capacity of the existing transportation corridor."*

The project objectives need to be changed to comply with the CLCPA. In fact, the DDR/EA objectives should include meeting the CLCPA mandates.

## Project Scope Shortcomings

Since the project only extends from Dodge to Sidney Streets the noise and environmental pollution will not change at all in the Fruit Belt or between Sidney and Delavan Streets. Sadly, the build alternative will ensure that the expressway and all its pollution will be in place for decades to come. This is the Kensington's core injustice, which is not being addressed.

The CLCPA Draft Scoping Plan identifies and recommends implementation approaches. It calls for coordination with and improvements in other less polluting modes. The CLCPA specifically calls for transportation plans to be made in ways that encourage use of other less polluting modes. It calls for investments to enhance the availability and viability of other modes, especially public transit. It recommends extending high-capacity transit systems, like Buffalo's light rail rapid transit (LRRT) system.

The DDR/EA NYSDOT website says that the Niagara Frontier Transportation Authority (NFTA)

*“... is not currently proposing rail service in the transportation corridor...” but that the project will “not preclude potential future light rail projects.”*

This is misleading and untrue. NYS DOT defines the Build Alternative scope in a way that intentionally disregards the possibility of LRRT. The NFTA has plans for extending Buffalo Metro Rail. These Buffalo Metro plans for East Side, South Towns and North Towns extensions were laid out in the 1970s and have been updated many times, most recently in 2010. <sup>2,3,4,5,6</sup>

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<sup>2</sup> Nagara Frontier Transportation Authority Strategic Transit Assessment Working Paper, August 27, 2001.

<sup>3</sup> Niagara Frontier Mass Transit Study, Federal Project No. NY-T0-4, NY State Project No. 5820.00, November 1971

<sup>4</sup> Erie County Transit Service Restructuring and Fare Study – Strategic Assessment, Final Report, August 2010.)

<sup>5</sup> Comprehensive Transit Oriented Development Final Report. GBNRTC / WSP. August 2018. ([https://www.nftametrorailexpansion.com/pdfs/buffalo\\_tod\\_book\\_export\\_20180919.pdf](https://www.nftametrorailexpansion.com/pdfs/buffalo_tod_book_export_20180919.pdf))

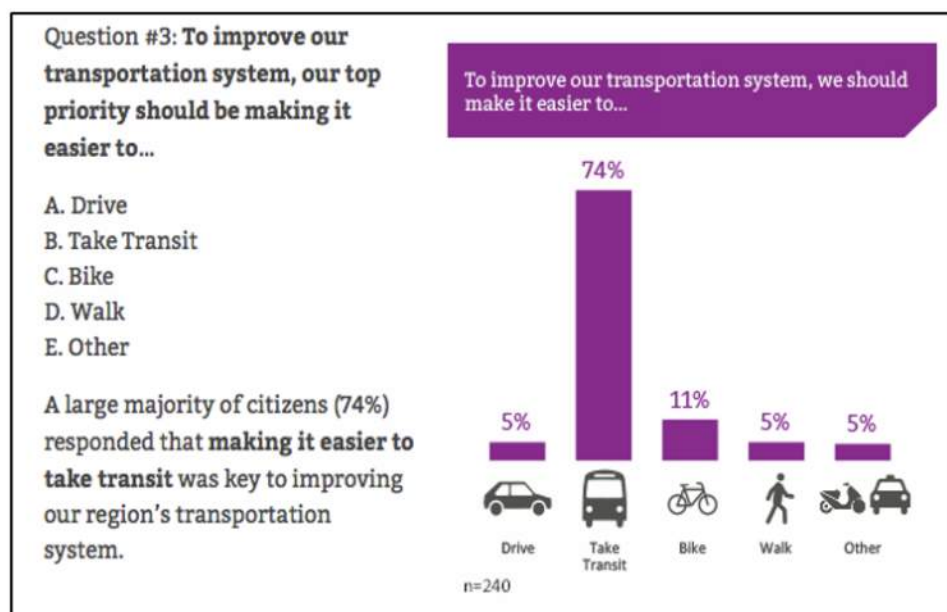
<sup>6</sup> NFTA-METRO Transit Development Plan, April 2019. ([http://www.nfta.com/pdfs/2019/public\\_info/2019-transit\\_development\\_plan.pdf](http://www.nfta.com/pdfs/2019/public_info/2019-transit_development_plan.pdf))



In addition to the NFTA transit expansion plans, the GBNRTC conducted a comprehensive community driven plan defining regional priorities including desired transit services, under the One Region Forward Program. Here is a reference and link to the One Region Final Report in 2015.<sup>7</sup>

One Region Forward was led by the GBNRTC, the UB Regional Institute, and the Buffalo-Niagara Partnership. It held workshops in both urban and rural areas across the 2-county WNY region. There was a strong consensus that we need more investments in improving public transit rather than highways. Here's a chart from one of the surveys followed by a sampling of what the people said should guide us moving forward.

Figure 3 UB Regional Institute Survey Results



<sup>7</sup> One Region Forward Final Plan. GBNRTC. 2015. [http://bap-home.net/solarize/wp-content/uploads/28/2017/05/1RF\\_A-New-Way-To-Plan-For-Buffalo-Niagara\\_FinalPlan\\_Reduced.pdf](http://bap-home.net/solarize/wp-content/uploads/28/2017/05/1RF_A-New-Way-To-Plan-For-Buffalo-Niagara_FinalPlan_Reduced.pdf).

Figure 4 One Region Central Participant Comments

### How should we move forward?

- "106 out of 115 (92%) maps said increase ways to get around without a car is a guiding principle"
- "On average participants added 59 miles of metro rail"

### How do our choices play out?

- "A larger percentage of jobs and homes would be served by transit"
- "We would depend less on cars for our daily trips, conserve more energy, and emit less carbon"

### What could we do differently?

- "Connect land use to transportation, especially public transit"
- "The region should make transit funding and system improvement a top priority for advocacy and action"

We call on NYSDOT to follow the guidance of the One Region Forward Project and apply a community-focused process in the program.

The East Side/Airport LRRT extension CRT has proposed based on NFTA plans would directly affect the Kensington Expressway traffic study even though it is not in the very limited NYS DOT's defined project scope.

The NFTA intends to initiate a study to update Buffalo Metro extension plans in FY 2025 (commencing in 2024).

The extension of Buffalo's light rail is specifically called for in the Erie County Climate Action Plan, which brings the CLCPA mandates to Erie County. The off-handed dismissal of these plans is an insult to the hard work of the NFTA and Erie County Climate Action Task Force.

One major failure of the DDR/EA is that it does not consider long-term alternatives to driving and cements in place the six lane Kensington Expressway for decades. The plan spends \$1B for 1 mile of expressway assuming that this will be the way everyone travels. This is arbitrary and capricious and wastes \$1B of tax money. By assuming that maintaining today's vehicle capacity is the right solution long term ignores 21<sup>st</sup> Century changes in how we travel, like:

- Changes in travel habits due to the pandemic and the ability to work remotely. For example, many companies like M&T already have hybrid work schedules.
- NYS CLCPA Scoping Plan calls for improvements in public transportation.
- NFTA plans call for extending Buffalo Metro Rail over time.
- Plans for adjacent Region Central Project. These need to be part of the planning for the NYS DOT Kensington Expressway project.

To spend \$1B on this 1 mile of road in isolation without considering the larger transportation system is myopic and wrong. It misses the bigger picture and locks us into a future based on 1950's priorities and values.

## Failure to Address Economic Justice Requirements

An important part of the CLCPA mandates is for economic justice. In fact, the CLCPA specifically states that investment benefits should be targeted to disadvantaged communities. For example, the CLCPA states:

*“Actions undertaken by New York state to mitigate greenhouse gas emissions should prioritize the safety and health of disadvantaged communities...”*

*And should “... identify measures to maximize reductions of both greenhouse gas emissions and co-pollutants in disadvantaged communities ...”*

The targeted community of this project qualifies as disadvantaged, as the NYSDOT DDR/EA correctly points out. However, the pollution levels stay the same or get worse. This is a violation of the CLCPA.

The DDR/EA states that 39% of the Humboldt community does not have access to cars. But they will have access to 100% of the pollution. Further, with so few people with cars in the targeted area, the question of who this road is for should be asked. Where are all these cars coming from and going? Answering this question will help make the right decision on this project. We believe a community-based decision considering these data, like was done on the Region Central Project is called for.

## Conclusion

We believe the NYSDOT Build Alternative violates both the spirit and letter of the CLCPA law and should be rejected immediately. A balanced, community-driven approach to the Kensington Project that meets CLCPA mandates is called for.

On behalf of Citizens for Regional Transit.

Sincerely,

Douglas Funke  
President  
Citizens for Regional Transit



**From:** Drew Canfield

**Sent:** Thursday, November 9, 2023 4:37:45 PM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Canfield, Drew

Address:

Phone:

Email:

Include on future project updates: NO

Affiliation: Central Terminal Restoration Corp.

Comment: As the stewards of a catalytic, historic rehabilitation project in East Buffalo, the Central Terminal Restoration Corp. understands the importance of a thorough and meaningful community engagement process. We spent 12 months talking with the community to build a shared vision for the future of the Buffalo Central Terminal in our Master Plan.

The community has not found consensus on a path forward for the Kensington Expressway. Given the scale, impact, and cost of the Kensington Expressway Project, there needs to be a significant level of analysis and investment of time with the community.

We ask that the NYS DOT reconsider the fast-tracking of the covering alternative and revisit their approach to public engagement to provide meaningful ways for the community to participate.

We also ask that the Kensington Expressway Project complete a full Environmental Impact Statement that thoroughly analyses the socioeconomic, environmental, and traffic-related consequences of ALL alternatives.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

Drew Canfield, AICP (she/her)

Associate Director

716.754.6142 x 203 (office)

716.597.3776 (cell)

[drew@buffalocentralterminal.org](mailto:drew@buffalocentralterminal.org)





**From:** [Derek King](#)  
**To:** [dot.sm.kensingtonexpressway](#); [Councilmember Wingo - Masten](#)  
**Subject:** Don't Cap the 33: REMOVE IT  
**Date:** Thursday, October 26, 2023 1:52:40 PM



To whom it may concern,

To put it simply: do not just cap the 33, remove it entirely. From at least downtown to ECMC, if not all the way to the city line, this blighting and toxic stain on our city needs to be removed. It's an embarrassing reminder of Buffalo's racist planning policies of the mid-twentieth century, and it would be a travesty to band-aid over a small portion of it, ensuring it continues to scar our city for another half-century.

My business has operated in Hamlin Park for the last decade, first on Hedley, and now at the corner of Jefferson and Florida Street. I'm 34, and I bought my first house in Hamlin Park in 2015, living there for 5 years. Knowing we are planning on having kids, my wife and I made the decision to move partly with the impact of the highway in mind: I know that the fumes and particulate matter have caused upper respiratory illnesses in my neighbors, and that there is a higher incidence of asthma and bronchitis in children in the community. A cap won't fix that.

I had the privilege to be able to move where I call home, but many of my neighbors don't. I don't plan on moving my business; Hamlin Park is a great neighborhood with a strong sense of community. It deserves better than a short-sighted solution meant to pacify the most vocal supporters, at the sacrifice of long-term financial and physical health for all the other people along that horrific mistake.

Please: Do not cap the 33. For the sake of children and families who live along it now, and who will continue to experience the impacts of that highway, remove it entirely.

Thank you. CCing our Councilmember as well.  
-Derek

--

Derek King  
Director of Operations

Preservation Studios LLC

[www.PreservationStudios.com](http://www.PreservationStudios.com)  
Connect with us: [LinkedIn](#), [Facebook](#), [Twitter](#)

**\*PLEASE NOTE OUR NEW ADDRESS AS OF JANUARY 1, 2018\***

-----Original Message-----

From: Barbara A. Campagna

Sent: Tuesday, November 7, 2023 6:46 PM

To:

Subject: [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Campagna, Barbara

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: BAC/Architecture + Planning

Comment: All of my thoughts about this ill-advised billion \$ project are eloquently described in this piece on the threat to the Buffalo Olmsted Parkway System. [https://linkprotect.cudasvc.com/url? a=https%3a%2f%2fwww.tclf.org%2faction-needed-buffalo-olmsted-](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.tclf.org%2faction-needed-buffalo-olmsted-parkway&c=E.1.hZaFez1188mej1IvirEWpmUA0Zltdf-nl6L1xZ05jpvxDd71GIZFGQrYc-jFmjKyyLTUjflXsk4qkkvfeVj9gvAmAfUdXTQhUMOjGDxrfv69rGUNH3L.&typo=1)

[parkway&c=E.1.hZaFez1188mej1IvirEWpmUA0Zltdf-nl6L1xZ05jpvxDd71GIZFGQrYc-jFmjKyyLTUjflXsk4qkkvfeVj9gvAmAfUdXTQhUMOjGDxrfv69rGUNH3L.&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.Barbaracampagna.com&c=E.1.OC-gENS-q12zqRRty6MDdBFXetZc0p3LvTJOIB3B90RAaNniOIPuCoOP4-6NFABUvKvJ1RELhsz4Ky0gWR2-L8lNOTmbX4lr-45e28mTBoWurebppvREP9u-yuY.&typo=1)

\* this email was generated by kensingtonexpressway.dot.ny.gov

Barbara A. Campagna, FAIA, NCARB, FAPT, LEED AP BD+C

Principal,

BAC/Architecture + Planning, PLLC Office 716-931-5827 Cell 917-319-1970

<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.Barbaracampagna.com&c=E.1.OC-gENS-q12zqRRty6MDdBFXetZc0p3LvTJOIB3B90RAaNniOIPuCoOP4-6NFABUvKvJ1RELhsz4Ky0gWR2-L8lNOTmbX4lr-45e28mTBoWurebppvREP9u-yuY.&typo=1>

Sent from my iPhone

CAUTION: This email originated from outside the LaBella organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**From:** [Barbara A. Campagna](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** THREAT to the Buffalo Park & Parkway System - Kensington Expressway Project (PIN: 5512.52)  
**Date:** Tuesday, November 7, 2023 7:07:33 PM  
**Attachments:** [image001.png](#)

---

Mr. Sanjyot Vaidya and Mr. Matthew Seymour,

As a preservation architect with my home and office in downtown Buffalo, I demand the following regarding your ill-advised "Kensington cap project":

[1] an Environmental Impact Statement for NYS Route 33, Kensington Expressway Project (PIN: 5512.52) be conducted, including traffic studies of Buffalo and all the radial streets, air quality studies for the East Side of Buffalo, and an evaluation of whether commuting into and out of Buffalo has decreased post-pandemic; [2] a Cultural Landscape Report (CLR) be undertaken; and [3] full design options be prepared with community participation, including the rehabilitation of Humboldt Parkway.

Also, please review this eloquent piece by The Cultural Landscape Foundation about this threat to our nationally significant Buffalo Olmsted Park System. This national landscape preservation organization headquartered in Washington, DC is supporting our community through their international platform.

<https://www.tclf.org/action-needed-buffalo-olmsted-parkway>

**Barbara A. Campagna, FAIA, NCARB, FAPT, LEED AP BD+C**

Principal

*Licensed: NY, VA, DC*

**Barbara A. Campagna/Architecture + Planning, PLLC**

Tri-Main Center

2495 Main Street, Suite 402

Buffalo, NY 14214

P: 716.931.5827 C: 917.319.1970

[bcampagna@bcampagna.com](mailto:bcampagna@bcampagna.com)

[www.barbaracampagna.com](http://www.barbaracampagna.com)



**Barbara A. Campagna/Architecture + Planning, PLLC**



Ms. Barbara Campagna

County \_Other New York  
Addressed to: Governor

Email Subject: Buffalo NY - Kensington Expressway "Cap" Project is Ill Advised

Issue 1 78214 Construction Projects

Correspondence Number: 1198225P  
Date Of Correspondence: 11/07/2023  
Date Received: 11/07/2023  
Date Entered: 11/07/2023  
Referred To: DOT  
Date Referred:

#### Routing History:

11/09/2023 01:41 PM (Routed By --> Kelsey Barrett) (Routed Via Outside Agency Email to -> DOT) This correspondence has been acknowledged and is being forwarded for further action from your agency.

Please provide a copy of response or notation of any other action recommended or taken. --  
Please respond to Kelsey Barrett

#### Incoming Correspondence:

As a preservation architect with my home and office in downtown Buffalo, I demand the following regarding FHWA's and NYSDOT's ill-advised ?Kensington cap project?:

[1] an Environmental Impact Statement for NYS Route 33, Kensington Expressway Project (PIN: 5512.52) be conducted, including traffic studies of Buffalo and all the radial streets, air quality studies for the East Side of Buffalo, and an evaluation of whether commuting into and out of Buffalo has decreased post-pandemic; [2] a Cultural Landscape Report (CLR) be

NYSDOT REGION 5  
RECEIVED NOV 10 2023

REGIONAL DIRECTOR	
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SECRETARY	
ED CONSTRUCTION	
DESIGN	
REAL ESTATE	
OD OPERATIONS	
FLEET	
TRAFFIC & SAFETY	
PPD PLAN & PROGRAM	
ASD ADMINISTRATION	

undertaken; and [3] full design options be prepared with community participation, including the rehabilitation of Humboldt Parkway.

Also, please review this eloquent piece by The Cultural Landscape Foundation about this threat to our nationally significant Buffalo Olmsted Park System. This national landscape preservation organization headquartered in Washington, DC is supporting our community through their international platform.

<https://www.tclf.org/action-needed-buffalo-olmsted-parkway>

Please redirect the \$1 B allocated to this ill-advised project to make it a restoration project that heals our community and our history.





**From:** [Dede Petri](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Cc:** [Dede Petri](#)  
**Subject:** Comments of the Olmsted Network  
**Date:** Friday, November 10, 2023 5:23:44 PM  
**Attachments:** [image001.png](#)

## **Reject the Kensington Highway Proposal Return Humboldt Parkway**

Frederick Law Olmsted and partner Calvert Vaux created a system of parks and parkways in Buffalo, New York to benefit the ENTIRE community, earning Buffalo the moniker of “the best planned city in the world.” Key to the plan was Humboldt Parkway, connecting the city’s two largest parks (Delaware and Martin Luther King, Jr. (formerly known as Humboldt Park)) via a wide tree-lined boulevard.

One hundred years later, the intrusion of the 33-Kensington Expressway devastated Humboldt Parkway, dividing neighborhoods and prompting economic, social and cultural consequences, which haunt Buffalo to this day. In addition, the intrusion of the 198 Scajaquada Expressway tore apart Delaware Park, the “crown jewel” of the Olmsted Park and Parkway System in Buffalo, NY. Rather than the “best planned city in the world,” Buffalo became a city segregated by design, displacing thousands of African Americans.

**Now sixty years later, thanks to the Governor and state and federal leaders, there is a real chance to right that wrong. There is an opportunity to pay respect to Olmsted’s parks and parkways, duly recognized on the National Register of Historic Places, by returning to the vision of a city united through greenspace.**

The current plan for the 33-Kensington Expressway is neither a good design nor good use of funds. The proposed cap will “cover” a mere 4,500 feet of the expressway— at an immense per foot cost. It will do nothing to return Frederick Law Olmsted’s original parkway design. It won’t ensure beautiful allées of trees. It won’t significantly reduce heat and provide shade. It won’t stitch back the community. It will be just one more insulting “solution” inflicted on the residents of Buffalo’s East Side without real consultation or expertise.

State leaders, Federal Highway Administration and NYSDOT have ignored environmental and health impacts and are continuing the abusive behavior practiced in the 1960s when the 33-Kensington Expressway was imposed on Buffalo’s East Side. The proposed cap is not the solution for the neighborhoods around the 33; they deserve better and the residents of the entire City of Buffalo deserve better.

The 33-Kensington Expressway proposal is unacceptable and should be rejected. It’s time to return the Humboldt Parkway to its original grandeur.

When the city and state first began to revisit the designs of 198, community members opposed the solution by the NYSDOT, demanding a tree-lined boulevard that would reunite the cultural

assets in keeping with Olmsted's original plan. Ultimately the Greater Buffalo Niagara Regional Transportation Council (GBNRTC) took over the planning process. As a result, after decades of hard-fought advocacy, these neighborhoods succeeded in identifying a safe and park-appropriate multi-modal roadway through Delaware Park. The same is needed for the 33-Kensington Expressway and the totality of these roads must be stitched back together - "One Road Now."

According to NYSDOT, there is just one solution for the 33-Kensington Expressway— a partial cap. But that should not be the end of the discussion. The cap will NOT restore Humboldt Parkway; it is just another temporary fix to a historic divide. Unless other options are explored, the same communities that have borne the brunt of racism, pollution and inequitable investment will be victimized once again.

One real option is creating a boulevard. Much like the 198 solution, a boulevard approach to the 33 would reunite the communities and come close to restoring the Humboldt Parkway. Rather than seriously studying this option, NYSDOT has summarily rejected it on the grounds that there is too much traffic on the 33.

However, in Milwaukee, WI, faced with a similar situation, the communities aren't taking no for an answer. Local leaders have told state officials that saving a few minutes of commute time should not take preference over restoring neighborhoods. They note that removing the freeway has the potential to connect the neighborhood, make the area more walkable and safer, while regaining more public space. In the neighboring state of Michigan, Governor Gretchen Whitmer has acted in much the same way— applying for federal funds to eliminate I-375, which divided downtown Detroit forty years ago to create an "[urban boulevard](#)."

It's understandable that many in the neighborhood have previously been willing to accept the cap design, having waited so long for some action. But desire for action should not get in the way of thoughtful and integrated solutions, particularly when so much money is involved. As the Conservancy has outlined, there is an urgent need for a cultural landscape report that documents what happened to Olmsted's Humboldt Parkway. Nor should NYSDOT and others be allowed to ignore what is now overwhelming community support for a ONE ROAD NOW solution, endorsed by our partner the Buffalo Olmsted Parks Conservancy.

**Buffalo needs to rebuild ALL its infrastructure for a more equitable future. Returning the 33 to a boulevard can be an important step to achieve that goal.** And it can be a way for the NY governor to show leadership in the cause of social justice.

It's time that the Governor and citizens demanded the same kind of ambitious planning that leaders demanded in Olmsted's time. By thinking at the scale of the problem and reimagining both of Buffalo's expressways, Buffalo can develop a holistic plan that will be economically and environmentally sensible, connect communities rather than separate them and be worthy of Buffalo's Olmsted heritage.

*The Olmsted Network is the first and only national organization that champions Olmsted parks and places through advocacy, stewardship and education. Our network is international and includes Birkenhead Park, Central Park, Bok Tower Gardens, Prospect Park, Biltmore, Stanford University, the Emerald Necklace and the Village of Kohler. [www.olmsted.org](http://www.olmsted.org).*

**Anne “Dede” Neal Petri**

President & CEO,

Olmsted Network

202.680.0396 (C) | [petridede@olmsted.org](mailto:petridede@olmsted.org)

1101 30<sup>th</sup> Street NW, Suite 500

Washington, DC 20007



**From:** [Anne McCooey](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Cc:** [Deneb Pirrone](#)  
**Subject:** Comments on the Route 33, Kensington Expressway Project  
**Date:** Friday, October 27, 2023 5:22:45 PM  
**Attachments:** [BRRAlliance 33 Statemnet of concerns.pdf](#)

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Attached please find the BRRAlliance comments on the Route 33, Kensington Expressway Project. We strongly encourage you to continue community outreach and expanded environmental studies in order to make this project beneficial to all.

Should you have any questions or would like to discuss these comments in more detail, please do not hesitate to contact me at any time.

*Anne*

**Anne K.C. McCooey** (she/her)

Executive Director

BRRAlliance, Inc.

52 Amherst Street

Buffalo, NY 14207

Phone: 716-202-9070

Web: [brralliance.org](http://brralliance.org)

***Working to improve the quality of life for those who live and work in the Black Rock, Riverside, Grant-Amherst and West Hertel communities of Buffalo!***



27 October 2023

TO: NYS Department of Transportation  
FROM: BRRAlliance, Inc. Board of Directors  
RE: NYS Route 33, Kensington Expressway Project

The BRRAlliance is a 501(c)3 not for profit incorporated in 2011 with a focus on improving the quality of life for those that live and work in the northwest corner of Buffalo. Our work has been focused on preserving the historic significance of this community, revitalization by stimulating economic development and fostering environmental stewardship.

Our traditional service footprint covers the most waterfront of any district in the city with over 4.3 miles of waterfront along the Scajaquada Creek and the Niagara River. But we recognize that the environmental health of one community can positively or negatively impact a region, and therefore we have taken our environmental focus broader than just our service community through projects such as The Habitat Project, where over the last four years we have certified the City of Buffalo and Erie County, through the National Wildlife Federation, as Community Wildlife Habitats, making them the 16<sup>th</sup> and 6<sup>th</sup> largest such certified communities in the nation. We are currently working to complete the certification of Niagara County and we have been mentoring Chautauqua County to achieve the same, thus creating the first corridor of certified communities in the country and ensuring that healthy environments for wildlife to thrive will exist along the full west coast waterfront of NY State.

We recently have been granted funding by the DEC to begin a residential air quality monitoring program since being surrounded on three sides by air born pollution generators (the 198 on the south, the 190 on the west and north, and industry to the north) our community, much like the community along Route 33 is a Designated Area of Concern/Disadvantaged Community due to high rates of health issues that can be attributed to the quality of the air and our diverse and low income population.

We have been actively engaged in convening and/or participating in community forums for numerous community planning initiatives that both the city and state have done and we recognize the significant undertaking that having community driven plans for a project of this magnitude can be, while at the same time knowing how important it is to not just create change for the sake of change, but to create change that will make a significant positive difference for those most impacted by the change.

With that said, the BRRAlliance submits the following recommendations regarding the Route 33, Kensington Expressway project:

1. Given what we know from our experiences with community outreach and input, the comment period and the methods of outreach by the NYSDOT have been inadequate to truly get a consensus from the community on what their needs and concerns are regarding the redesign of the 33. A longer comment period should be allowed and more active engagement with the community needs to happen and while

***Working to improve the quality of life in Black Rock, Riverside, West Hertel and Grant-Amherst!***

52 Amherst Street | Buffalo NY 14207 | (716) 322-6602  
[www.BRRAlliance.org](http://www.BRRAlliance.org)

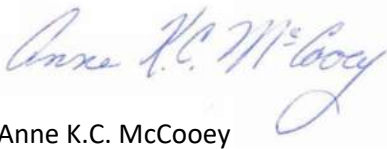


the original comment period has been extended by 14 days, a longer comment period is needed, with additional meetings convened to explain the complex findings in the environmental assessment document to stakeholders.

2. The environmental health of this community given its central location in the city, will impact the health of the city as a whole and should not be put in jeopardy without thorough investigation. The environmental impact of covering a section, albeit a small section, of the 33 could have serious negative impacts on a community that already is a DAC with high incidents of heart disease, respiratory illnesses, low birthweight babies and premature deaths. A full environmental impact study should be mandated before any design moves forward in order to ensure that the air born pollutants that currently come from the high traffic volume on the 33 are not simply concentrated on the ends of the proposed cap, causing even more risk for serious and life-threatening illnesses for the people in those areas. This more thorough study should also look at the impacts of disturbing potential dangerous particulate matter into the air during construction process.

We urge the NYSDOT to slow down this process and allow this once in a lifetime opportunity to create a healthier more community centric environment and safer, more connected complete street neighborhoods and city.

Respectfully submitted on behalf of the BRRAlliance Board of Directors,



Anne K.C. McCooey  
Executive Director

***Working to improve the quality of life in Black Rock, Riverside, West Hertel and Grant-Amherst!***

52 Amherst Street | Buffalo NY 14207 | (716) 322-6602  
[www.BRRAlliance.org](http://www.BRRAlliance.org)

**From:** [Grace Makin](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** NYS Route 33, Kensington Expressway Project  
**Date:** Friday, November 10, 2023 8:29:10 PM

To whom it may concern at the Department of Transportation,  
I am asking for [1] an Environmental Impact Statement for NYS Route 33, Kensington Expressway Project (PIN: 5512.52) be conducted, including traffic studies of Buffalo and all the radial streets, air quality studies for the East Side of Buffalo, and an evaluation of whether commuting into and out of Buffalo has decreased post-pandemic; [2] a Cultural Landscape Report (CLR) be undertaken; and [3] full design options be prepared with community participation, including the rehabilitation of Humboldt Parkway.

Thank you,  
Grace Makin

**From:** [Vision Niagara](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Cc:** [Hello MEDUSA](#); [Maguire, Susan E](#); [Evan Bussiere](#); [Chris Platt](#); [Dan Brady](#); [Leslie Duggleby](#); [George Johnson](#); [David Rowe](#); [maria sciortino](#); [Renata Kraft](#); [Tonya Davis](#); [Anthony James](#)  
**Subject:** NYS DOT Kensington Expressway Draft Report  
**Date:** Monday, November 6, 2023 11:57:48 AM  
**Attachments:** [20231103 VN Kensington comments.pdf](#)

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Please see Vision Niagara's attached letter in response to the NYS DOT Kensington Expressway Draft Report.

Feel free to contact me if you have any questions.

Sincerely,  
Barbara Rowe



**Barbara Rowe** / [Vision Niagara](#) president

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November 3, 2023

Ms. Sanjyot Vaidya, Project Manager  
New York State Department of Transportation,  
Region 5  
100 Seneca Street  
Buffalo, NY 14203

Mr. Matthew Seymour, Senior Area Engineer  
Federal Highway Administration  
Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207

Subject: PIN: 5512.52  
NYSDOT Draft Design Report/Environmental Assessment (DDR/EA)  
NYS Route 33, Kensington Expressway Project

Dear Ms. Vaidya and Mr. Seymour:

Please accept this letter as the representative comments from the board and membership of Vision Niagara.

Vision Niagara is a non-profit organization that actively participates in our city's rejuvenation, helping to shape and promote projects and activities that capitalize upon, promote, and protect Buffalo's rich historic and cultural heritage, abundant natural resources, significant location on international waterfront, and legacy of design excellence upon which the city of Buffalo was built. We are composed of residents, businesses, investors, and human services organizations and we work together with our brother and sister organizations to encourage and implement the revitalization of our city.

We have carefully reviewed the available subject documents and we are united with our colleagues and the project commentators who are disappointed in, and disagree with, not only the process undertaken, but also the current recommendations of this project.

It is an unfortunate repeat of history and a travesty to our community that the restoration of the incredible jewel that was the Humboldt Parkway, as designed by Frederick Law Olmsted, has been dismissed.

We stand in unison with all our colleagues on the Scajaquada Corridor Coalition who have worked so hard to remove the limited access roadways that negatively impact our urban core as we re-envision and restore the Scajaquada Creek corridor and our legacy parks and parkways which include the historic Humboldt Parkway.

We align ourselves with the East Side Parkways Coalition, Buffalo Olmsted Parks Conservancy, Citizens for Regional Transit, Preservation Buffalo Niagara, Clean Air Coalition, GObike Buffalo, a rapidly growing number of other organizations and numerous individual commentators, to oppose this project's audacious dismissal of the full restoration of the historic Humboldt Parkway.

This dismissal is documented in Appendix E2 - Summary of Public Comments Received: 8/8/2022 to 7/9/2023 which includes the following (*italics and underlined our own*):

### **E2.13 FILL-IN / REMOVAL OF EXPRESSWAY**

C13-1 Commenters asked if the full removal/fill-in of the Kensington Expressway could be studied and stated that other cities have removed major highways, resulting in improvements with no traffic problems. Commenters also stated that the maintenance of the six-lane Kensington Expressway preferentially benefits white suburban commuters at the expense of the residents living in the vicinity of the Kensington Expressway.

R13-1 The removal/fill-in of the Kensington Expressway was considered. As documented in Section 5.2.10 of the Project Scoping Report, Concept 10, which involves removal of NYS Route 33 from the NYS Route 198 interchange to Goodell Street and creation of a parkway setting along the route of the historic Humboldt Parkway, would not meet the project objective and associated screening criterion related to maintaining the vehicular capacity of the existing transportation corridor. Based on this, and concerns related to redistributing expressway traffic to local streets, Concept 10 was dismissed from further consideration.

Vision Niagara agrees with commentator Greg Stubbs (Saturday, April 1, 2023 4:31 PM) who writes:

'The entire process conducted by the NYSDOT has been disingenuous from the beginning. They presented ten "alternatives". But set a project goal of "maintain the vehicular capacity of the existing transportation corridor". The Kensington is a six-lane expressway. By setting a goal of maintaining the vehicular capacity of the existing transportation corridor, the NYSDOT effectively eliminated nine of the ten alternatives from the very start. The "selected" alternative by default and of no surprise is capping less than a mile of the Kensington and maintaining the six-lane expressway. As documented in Section 4 of the Project Scoping Report (PSR), the potential social, economic, and environmental effects of the Project will be evaluated and documented in the Draft Design Report/Environmental Assessment for the Project, but only for the selected concept. The project goal of "maintain the vehicular capacity of the existing transportation corridor" should be eliminated.'

Mr. Stubbs entire point-by-point submission is excellent, and we wish to additionally highlight his comments that include:

'The cost to fill-in, restore and extend Humboldt Parkway (Concept #10) costs less than the Concept #9 multiway boulevard and is a fraction of the Concept #6 cap cost. It addresses the injury to the communities along the entire corridor that the Kensington has inflicted. The cost to



construct the cap is, conservatively, at least 14 times more than the cost of filling in and restoring the parkway over the same distance. The remainder of funding of \$792MM (\$855MM - \$63MM) would provide for extending the parkway downtown. The balance of the funding could be invested in the major north-south commercial corridors along Bailey, Fillmore, Jefferson and Michigan and the radials renovating them as complete streets. The increased traffic flow would reinforce and support the East Side Collaborative Fund and the \$65 million East Side Corridor Economic Development Fund that is in place to help revitalize the East Side with needed investment along the significant commercial arteries of Bailey, Fillmore, Jefferson and Michigan. These major avenues and the radials have more than enough capacity to compensate for the loss of the Kensington Expressway. The population of Buffalo before the Kensington Expressway was built had double the population it has today. An alternative would be to fund the extension of Metrorail to the airport.'

In addition, Vision Niagara heartily supports Buffalo Olmsted Parks' project comment statement (letter dated October 25, 2023) that says:

'We continue to declare that the restoration of the historic Humboldt Parkway (previous Option 10) is our preferred approach. We now realize that we have overwhelming community support in a "ONE ROAD NOW" concept that restores and reconnects the MLK Jr. Park with Delaware Park. We request that NYSDOT, FHWA and NYSOPR&HP initiate truly meaningful design discussions with the concerned organizations and community about this preferred approach.'

We also agree with commentator Robert Galbraith (comments included in the Appendix E2 Summary) who summarizes that the:

'DOT must give complete and fair consideration to removing the Kensington Expressway entirely and restoring the street grid that was destroyed to construct it for a number of reasons:

1. Removing the expressway is the only way to reduce automobile pollution and attendant disease in the neighborhoods on both sides of the expressway;
2. The Kensington Expressway was built for a city of twice the population that Buffalo currently has and maintaining its level of capacity is unnecessary;
3. Removing the expressway and restoring the former parkway is in far better alignment with state climate goals than preserving an urban highway for generations to come; and
4. Removing the expressway and restoring the former parkway will cost significantly less than constructing a tunnel, especially if air filtration is to be installed.'

Alongside our colleagues, Vision Niagara reiterates that this project's current objective, *to maintain the vehicular capacity of the transportation corridor*, undeniably rejects the one alternative that benefits our community the most.

This one alternative, **to restore Olmsted's Humboldt Parkway in its entirety**, is the only alternative that contributes to the reinstating of the splendor of our park system. It serves to reunite our neighborhoods, restore our damaged ecological resources, positively improve our health and wellbeing, enhance our regional assets, begin the healing of the wrongs of our past, promote the highest and best use of our financial resources, and ultimately, serves to protect our ability to move forward into the future in a manner that honors the spirit of civic design excellence.

Vision Niagara will only support efforts that will remove this limited access roadway entirely and that will fully restore and expand our legacy parks and parkways.



Barbara Rowe, Board President

[Vision Niagara](#)

[info@visionniagara.org](mailto:info@visionniagara.org)

**From:** [Chris Murawski](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** Kensington Project Environmental Assessment Public Comment Clean Air Coalition of WNY  
**Date:** Wednesday, October 25, 2023 2:24:31 PM



To Whom It May Concern,

Please accept the following comments on the Kensington Expressway Project Environmental Assessment.

Chris Murawski  
Clean Air Coalition of Western New York

- A.
- The comment period should be extended. The comment period of 45 days is not sufficient for the highly technical information to be processed, discussed, and disseminated to the community and for the residents to make informed comments. We have a lot of experience in engaging the community in public comments for toxic cleanups such as Tonawanda Coke. The standard comment periods are not sufficient time for meaningful input. Particularly since there was only 30 days since the public hearing on 9/27/23 when many residents found out about the We request the comment period be extended to 90 days.
- B.
- The NYS DOT should conduct a Full Environmental Impact Statement. A project of this scale within a Disadvantaged Community under the NYS Climate and Community Protection Act needs to have an in-depth environmental review beyond the scope of the Environmental Assessment currently presented. This review should include Air Quality monitoring and analysis (see detail below) as well as modeling and assurances of air quality safety during construction. The presence of asbestos in the retaining walls is of concern and the public safety from this hazardous substance should be further evaluated and more details given to the public. Concentrations of lead in the soil of the highway corridor should be investigated prior to construction.
- C.
- Air Quality at Tunnel Ends: Clean Air is extremely concerned about the possibility of increased concentrated vehicular emissions at the tunnel ends. We would like to see further air monitoring conducted to better understand the current air quality conditions. NYSDEC is currently conducting mobile air monitoring in NY Disadvantaged Communities which covers that project boundaries. With a full environmental review this data could be used to assess current conditions as well for PM 2.5, Black Carbon, NO<sub>2</sub>, NO, CO, VOC's and Ozone.

We acknowledge that the modeling conducted as part of the air quality study shows that the estimated levels of PM 2.5 for Annual and 24 hour average are predicted to be within the National Ambient Air Quality Standards (NAAQS). Erie County as a whole is in attainment of these standards. However when examining data on health disparities and pollution through USEPAs EJ Screen we find that residents within the project corridor are in the 90th percentile and above for Low Life Expectancy, Asthma, and Heart Disease nationally. Clearly attainment of the 2.5 PM NAAQS standard does not take into account the cumulative effect of many overlapping pollutants on residents' health. Many public health scientists such as the American Lung Association<sup>1</sup>. According to a study by the Harvard School of Public Health<sup>2</sup>, Black and low income Americans would benefit the most from stronger policies on air pollution. This is an overburdened community when it comes to pollution and absolute care must be taken that this project does not increase these burdens. We must go above and beyond the minimum standard in this case based on systemic issues which have caused

1. Lung Association Responds to Proposed Updates to National Particle Pollution Standards: EPA's Proposal Falls Far Short and Must Be Strengthened  
<https://www.lung.org/media/press-releases/2023-pm-naaqs-proposal-statement>
2. Black Americans, low-income Americans may benefit most from stronger policies on air pollution <https://www.hsph.harvard.edu/news/press-releases/black-americans-low-income-americans-may-benefit-most-from-stronger-policies-on-air-pollution/>

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Chris Murawski he/him  
Executive Director  
Clean Air Coalition of Western New York  
Phone 716-852-3813 Extension 102  
[www.cacwny.org](http://www.cacwny.org)

**We have moved!** We are now located at 371 Delaware Ave, Buffalo, NY 14202

Book a 1-1 Meeting With Me [Here](#)



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**From:** Cheryl Jackson

**Sent:** Tuesday, November 7, 2023 8:51 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Jackson, Cheryl

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: Employed by Buffalo Board of Education

Comment: I am writing to say that I believe a FULL Environmental Impact study be conducted for this project. Thank you.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

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NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT  
P.I.N. 5512.52  
PUBLIC HEARING  
SEPTEMBER 27TH, 10:30AM-2PM & 4:30PM-8PM  
BUFFALO MUSEUM OF SCIENCE  
COMMENT FORM

Name: Hannah Ross Affiliation (if applicable) Brown Skin Network

Address: \_\_\_\_\_ Date: 9/10/20/23

Phone Number \_\_\_\_\_ E-mail: \_\_\_\_\_

**COMMENTS\***

I am a 21 year old college student attending an Intro to Urban Planning class at Buffalo State College. We learn how to be an effective planner and the systems of planning and how to be a public servant in the profession. Demolition of the Kensington Expressway will do more harm than good and cause more decline in the community. I pray you analyze the effects and the outcomes to humans that already are effected by low income which leads to low health. Demolition will cause different chemicals to arise, dust and everything else to effect the lung health, to cause cancer, asthma and death. This method of demolition is basically murder and attempted murder. The outcome makes me think of what happened to those people in Niagara Falls who had to move because the ~~more~~ chemicals on the land as it went down will caused cancer. I hope you revise your demolition procedures for human well-being.

\*Any information provided on this form may become part of the project file, which is a public record.

You may submit your comments by leaving this form in the comment box, by U.S. mail (see pre-addressed mailer on reverse side), or by e-mail to: [kensingtonexpressway@dot.ny.gov](mailto:kensingtonexpressway@dot.ny.gov)  
**Comments are due by October 27th, 2023.**



**From:** Mary Simpson

**Sent:** Thursday, November 9, 2023 5:32:47 PM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Simpson , Mary

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: Park advocatethe

Comment: The historic Buffalo park and parkways system is now considered at risk by the Cultural Landscape Foundation because of the proposed cap without the completion of an Environmental Impact Statement, a Cultural Landscape report and the inclusion of other design options. I demand that [1] an Environmental Impact Statement for NYS Route 33, Kensington Expressway Project (PIN: 5512.52) be conducted, including traffic studies of Buffalo and all the radial streets, air quality studies for the East Side of Buffalo, and an evaluation of whether commuting into and out of Buffalo has decreased post-pandemic; [2] that a Cultural Landscape Report (CLR) be undertaken; and [3] that full design options be prepared with community participation, including the rehabilitation of Humboldt Parkway. This cap design has been offered without the detailed research and analysis required by law. Nationally recognized park systems deserve the same consideration as treasured architecture. Thank you.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

**From:** [Tendaji Ya'Ukuu](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Subject:** Comment on the NYS Route 33 Kensington Expressway Project  
**Date:** Monday, October 9, 2023 3:03:03 PM  
**Attachments:** [Outlook-jahimez.png](#)



I am writing to you today as the Ecological Justice Coordinator with Open Buffalo, and I would like to thank you for the visionary initiative to cover the NYS Route 33 Kensington Expressway. This long-overdue project is a testament to the commitment to improving the health and well-being of East Side residents, who have endured air pollution from the expressway for years. The greenway's design is commendable. However, as we usher in this new era of ecological rejuvenation, I would like to raise a few pertinent questions to ensure the project truly benefits all stakeholders:

- **Collaboration on Deforestation:** There's a growing concern about the current trend of deforestation on the East Side. Can the committee shed light on how city and state partnerships plan to address this, ensuring that the greenway remains a thriving forested space?
- **Tunnel Exhaust Concerns:** One design element that requires urgent attention is the tunnel vents exhausting concentrated car emissions at both Dodge and Sidney Streets. Such an arrangement could have catastrophic health implications for residents in these areas. Could the project incorporate an advanced mechanism to capture these emissions within the tunnel, directing them to an air quality plant for CO2 scrubbing? Such innovations are becoming increasingly feasible and would ensure that the expressway's impact is mitigated.
- **Addressing Food Desertification:** The East Side has seen increasing food desertification in recent years. This greenway project provides an opportune moment to address this. Can the committee consider designating specific sections for community gardens or initiating programs for fruit tree plantings? Such endeavors could play a significant role in ensuring food security and promoting local sustainability.
- **Anti-gentrification Measures:** With such a monumental infrastructural project, there's often a risk of surrounding areas becoming gentrified, leading to the potential displacement of current residents. What safeguards and funding allocations are in place to prevent such eventualities? It's essential that the community reap the benefits of this project without facing the adversities of rising property costs.



**Tendaji Ya'Ukuu**  
[ten-DAH-he; yah-OO-koo]  
*ID: they/them and Tendaji*  
**Ecological Justice Coordinator**  
**Open Buffalo**

7162438777 X105  
[tendaji@openbuffalo.org](mailto:tendaji@openbuffalo.org)  
[openbuffalo.org](http://openbuffalo.org)  
1327 Jefferson Avenue, Buffalo, NY 14208



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**From:** [Lanessa Chaplin](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Subject:** NYCLU Revised Public Comment Submission  
**Date:** Friday, November 10, 2023 6:23:42 PM  
**Attachments:** [NYCLU Kensington Expressway Public Comments Final.pdf](#)

Good Evening,

Please accept this on behalf of the NYCLU submission of public comments on the Kensington Expressway Project.

If you have any questions, please contact me here.

*Lanessa L. Owens- Chaplin, Esq.*  
*Director, Environmental Justice Project*  
New York Civil Liberties Union

Via email to [Kensingtonexpressway@dot.ny.gov](mailto:Kensingtonexpressway@dot.ny.gov)  
Kensington Expressway Project Team  
NYSDOT Region 5 100 Seneca Street  
Buffalo, NY 14203  
Re: Kensington Expressway Public Comments

Dear Kensington Expressway Project Team,

Thank you for providing us with this opportunity to submit public comments on the route 33 (“Kensington Expressway”) redevelopment project. The New York Civil Liberties Union (“NYCLU”) is a non-profit, non-partisan organization with more than 85,000 members and supporters and is the New York State affiliate of the American Civil Liberties Union. The NYCLU’s mission is to advocate for all New Yorkers to have equal access to opportunities and the equal ability to participate in government decisions that affect them. This includes planning and development decisions, which have historically excluded or intentionally discriminated against Black, Indigenous, and Latinx New Yorkers—much like the original design and construction of highway and expressway projects across New York state and their continued harm. During the redevelopment of Interstate 81 (“I-81”) in Syracuse NY, the NYCLU submitted public comments at every stage of the public participation process, published a report, *Building A Better Future, The Structural Racism Built Into I-81 and How To Tear It Down*<sup>1</sup>, testified at NYSDOT public hearings, and held dozens of community meetings with stakeholders such as the Environmental Protection Agency, Federal Highway Administration, and Department of Housing and Urban Development and impacted community members.

Black people in this country live with, on average, 56 percent more air pollution than white people.<sup>2</sup> Often carrying the burden of years of discriminatory redlining and systemic and environmental racism in industrial development, placement of highways, and lax regulation enforcement.<sup>3</sup> This means that some of the worst pollution problems in the United States burden communities that are especially vulnerable to them. New infrastructure and development projects do not happen on a blank slate. Major projects are often proposed in neighborhoods demographically made up

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<sup>1</sup> Lanessa Owens-Chaplin, “Building a Better Future; The Structural Racism Built into I-81, and How to Tear it Down” [2021] available at

<https://www.nyclu.org/en/publications/building-better-future>.

<sup>2</sup> U.S. Environmental Protection Agency, “Study Finds Exposure to Air Pollution Higher for People of Color Regardless of Income” [Sept. 20, 2021] available at

<https://www.epa.gov/sciencematters/study-finds-exposure-air-pollution-higher-people-color-regardless-region-or-income>

<sup>3</sup> Noel King, “A Brief History of How Racism Shaped Interstate Highways”, NPR [Apr. 7, 2021] available at <https://www.npr.org/2021/04/07/984784455/a-brief-history-of-how-racism-shaped-interstate-highways>



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of Black people. Thus, creating more air pollution and disruption in neighborhoods that already face increased health risks from decades of past pollution. The injustice is a direct consequence of racism and disregard in the process of planning and building projects in the United States.

I. The Original Construction of Major Infrastructure Projects Across NYS Were Rooted in Racially Discriminatory Policies and Produced Adverse Economic, Social, and Environmental Harms That Impact Black Residents Today.



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New York has a history of constructing highways that destroyed Black communities. As a direct result of the construction of I-81, the city of Syracuse has asthma rates that are higher than the state average, and respiratory disease is especially prevalent for Black people in the region.<sup>4</sup> Syracuse has one of the largest racial poverty gaps of any metropolitan area in the nation. An estimated 40 percent of Syracuse's Black residents live below the poverty line, far more than the 11 percent of white residents living in poverty.<sup>5</sup> It is a gap that is more than double the national average. Much of that poverty can be traced back to decisions on government policies that were made decades ago such as redlining and urban renewal that made this community ripe for the devastating impacts of a highway ripping through their neighborhood displacing thousands of residents, plummeting housing prices and exposing residents to vehicle pollution.<sup>6</sup>

The Kensington Expressway, shares in that awful history, something Governor Hochul called an "enduring injustice."<sup>7</sup> The construction of the Kensington Expressway in the 1960s destroyed a neighborhood comprised of 94 percent Black residents.<sup>8</sup> Its construction in Buffalo separated their parks and neighborhoods by race and class, demolished thousands of homes and businesses, and displaced thousands of Black Buffalo residents from their neighborhood.<sup>9</sup> The lasting impacts are felt today, property values in the neighborhood plummeted and remain among of the lowest in the city, and

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<sup>4</sup> Evan Comen & Michael B. Sauter, "The Worst Cities for Black Americans", 24/7 Wall St, [Jan. 12, 2020] available at <https://247wallst.com/special-report/2017/11/03/the-worst-cities-for-black-americans-2/>; *Supra* n 1 at 12

<sup>5</sup> *Supra* n 1

<sup>6</sup> *Supra* n 1

<sup>7</sup> N.Y. Governor's Office, "Governor Hochul and Senator Schumer Announce Major Milestone for \$2.25 Billion I-81 Viaduct Project In Syracuse", [May 31, 2022] available at <https://www.governor.ny.gov/news/governor-hochul-and-senator-schumer-announce-major-milestone-225-billion-i-81-viaduct-project>

<sup>8</sup> William Fox, *Segregation Along Highway Lines: How the Kensington Expressway Reshaped Buffalo* at 34, [2017] available at <https://arts-sciences.buffalo.edu/content/dam/arts-sciences/history/documents/FINAL-Segregation-Along-Highway-Lines-by-Will-Fox.pdf>

<sup>9</sup> Congress for the New Urbanism, "Buffalo | Kensington Expressway: History and Context," available at <https://www.cnu.org/highways-boulevards/campaign-cities/buffalo-kensington>

Black residents have some of the highest rates of asthma and respiratory disease.<sup>10</sup>

Considering the litany of harms endured by this Black neighborhood both past and present, any project redevelopment must seriously consider, in other words, take a “hard look” at the impacts of this redevelopment plan. As such, we are requesting the New York State Department of Transportation (NYSDOT) in compliance with the State Environmental Quality Review Act (SEQRA) (1) conduct an Environmental Impact Statement to fully assess the impacts of this proposed project (2) create a meaningful public participation process that targets and elevates the concerns of the majority Black residents that live adjacent to the proposed plan, and will **again** shoulder the impacts for generations to come, and finally (3) prioritize the reduction of environmental harms in this “disadvantaged community” in compliance with the Climate Leadership and Community Protection Act (“CLPA”).



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II. The NYSDOT Must Conduct an Environmental Impact Statement to Examine The Negative Impacts of This Project on The Majority Black Community That Have Been Historically Marginalized and Harmed by The Original Construction of Kensington Expressway.

Where the lead agency determines that there is “significant effect” on the environment, both NEPA and SEQRA require that agencies prepare an EIS.<sup>11</sup> The threshold for requiring an Environment Impact Statement (“EIS”) is low and the standard for compliance with SEQRA is strict.<sup>12</sup> Adverse changes in existing air quality, impairment of existing community or neighborhood character, and material conflicts with a community’s current plans and goals are all indicators of significant adverse impacts on the environment.<sup>13</sup> In the environmental assessment (“EA”) for this project the NYSDOT recognize that the build alternative would cause a 6 percent increase in PM<sub>2.5</sub> (and decrease in air quality) in the area around the tunnel exit portals.<sup>14</sup> The tunnel exits are intended to sit in areas zoned residential.<sup>15</sup> The majority Black residents who live, work or attend school near Kensington Expressway will have to shoulder this additional air pollution. Again, enshrining the negative impacts of a highway project on this Black community.

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<sup>10</sup> *Id.*

<sup>11</sup> N.Y. Env’t Conserv. Law § 8-0109; 42 U.S.C.A. § 4336

<sup>12</sup> See Save the Pine Bush, Inc. v. Plan. Bd. of City of Albany, 96 A.D.2d 986, 987 (1983)

<sup>13</sup> 6 NYCRR 617.7(c)(1)

<sup>14</sup> NYSDOT & FHWA, Environmental Assessment at 201

<sup>15</sup> *Id.* at 163





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This community already has an increased incidents of asthma, cardiovascular disease, and premature death.<sup>16</sup> The potential risk of worsened air quality alone should trigger an EIS. Additionally, the only build alternative presented would disturb asbestos containing materials associated with demolition and construction which requires an additional plan for asbestos mitigation for the surrounding community.<sup>17</sup>

Performing an EA does not preclude the need for an EIS. To the contrary, where an EA identifies various mitigation measures that should be undertaken to minimize the environmental effects of the project there is an implication of significant environmental impact.<sup>18</sup> The EA in this project identifies the need for the mitigation of construction noise, traffic and air quality effects for two to three years,<sup>19</sup> and long term mitigation of air quality created by the proposed build alternative.<sup>20</sup> This should suggest to the agencies that there are significant impacts with respect to construction and air quality which require deeper investigation. Throughout the EA and the scoping documents, the agencies suggest potential adverse impacts that will fall largely on the residents living in the project area but have yet to address them. As the Joint Lead Agencies, the Federal Highway Administration and NYSDOT are under both state and federal obligations to go beyond the Environmental Assessment (EA) and conduct a comprehensive EIS.

### III. The NYSDOT Must Illicit Meaningful Public Participation From The Directly Impacted Community That Reside Just a Stone's Throw Away From Kensington Expressway Project Proposal.

SEQR affirmatively identifies public participation as an “important aspect” of state law, noting that public participation allows “the public and other agencies to provide input into the planning or review process, resulting in a review with a broader perspective” and involves sharing timely and accurate information with the public and providing “effective means for the public to provide timely comments.”<sup>21</sup>

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<sup>16</sup> Angela Morrison, “Minorities in Buffalo face high asthma rates, air pollution,” WBFO, [Jan. 16, 2018] available at <https://www.wbfo.org/environment/2018-01-16/minorities-in-buffalo-face-high-asthma-rates-air-pollution>

<sup>17</sup> *Supra* n 15 at 296

<sup>18</sup> *S.P.A.C.E. v. Hurley*, 291 A.D.2d 563, 739 N.Y.S.2d 164 (2002) (Town planning board, in performing its environmental review of proposed golf course was required to prepare an EIS prior to approving project, where environmental assessment report implicitly revealed various possible environmental impacts in connection with proposed project by identifying various mitigation measures that would be undertaken to minimize environmental effects)

<sup>19</sup> *Supra* n 15 at 203

<sup>20</sup> *Supra* n 15 at 270

<sup>21</sup> N.Y. State Department of Environmental Conservation, *The SEQR Handbook*, , at 4, 10 [2020] available at [https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/seqrhandbook.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf).



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Wendy Stryker  
*President*

Despite these obligations, the NYSDOT failed to demonstrate meaningful public involvement. In fact, the NYSDOT presented only one redevelopment option and solicited support of a forgone conclusion of their plan before engaging in meaningful public participation. Upon information and knowledge presented to us the NYSDOT brought a pre-drafted form letter to a recent community meeting to solicit signatures of support for the project. (*See* Attached Pre-Filled Form). Thus, thwarting any chance of engaging in meaning public participation. The action of a state official leveraging their authoritative and discretionary power to pressure laypersons to blindly sign a pre-drafted form, raises serious concerns of meeting the strict standards of meaningful public participation. Over a hundred community members attended a recent community meeting and expressed concerns about the lack of options the NYSDOT had presented, providing only one option “capping” the expressway.<sup>22</sup> The pre-filled form surfaced mere days after residents raised significant concerns with the project.

Community concerns varied but maintained a consistent theme. A need for more robust understanding of the projects short- and long-term impacts, requesting more than just one option for redevelopment, and additional time to review the hundreds of pages. Specific concerns included concerns about the of increase air pollution at the end of the tunnel,<sup>23</sup> the future use of land that will become available by the Kensington Expressway capping. A valid fear of history repeating itself by displacing residents.<sup>24</sup> An analysis of future land use demands an EIS to consider the unintended harms.

The NYSDOT response to the above was unacceptable. The NYSDOT extended the public comment period by a mere 10 days. Ostensibly in hopes of obtaining a late influx of positive comments to crowd out the wide array of concerns raised by community members. These superficial attempts at depicting public positive support—including the pre-script support form—fall woefully short of the state’s obligation to ensure meaningful public participation. Indeed, the NYSDOT, to date, fail to demonstrate proactively seeking community participation, input, and meaningful dialogue—elements that are hallmark to the meaningful public participation requirement. With at least one resident stating “The deal is already done. This is a ‘dog and pony’ show.”<sup>25</sup>

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<sup>22</sup> Mark Sommer, “ROCC member calls to fill in Kensington as opposition to current plan grows” The Buffalo News [2021] available at [https://buffalonews.com/news/local/rocc-member-calls-to-fill-in-kensington-as-opposition-to-current-plan-grows/article\\_f981d416-78e0-11ee-befd-87ade5cced7f.html](https://buffalonews.com/news/local/rocc-member-calls-to-fill-in-kensington-as-opposition-to-current-plan-grows/article_f981d416-78e0-11ee-befd-87ade5cced7f.html)

<sup>23</sup> *Supra* n 15

<sup>24</sup> *Supra* n15

<sup>25</sup> Eileen Buckley, “There’s a lot of unanswered questions’: Some residents speak out against Kensington Expressway Project” WBKW [Sept. 28, 2023] <https://www.wkbw.com/news/local-news/buffalo/theres-a-lot-of-unanswered-questions-some-east-side-residents-speak-out-against-kensington-project>

#### IV. The NYSDOT Must Prioritize Efforts to Recue Environmental Harms in Disadvantaged Communities Consistent with The Climate Leadership and Community Protection Act (“CLCPA”)

New York’s landmark legislation enacted to address climate change and its inequitable burdens on disadvantaged communities. The CLCPA makes clear that the state must prioritize the health and safety of environmental justice communities in advancing greenhouse gas reduction goals.<sup>26</sup> It recognizes that climate change disproportionately affects “disadvantaged communities” and demands those communities benefit from the state’s transition to cleaner, greener sources of energy, reduced pollution, and cleaner air.<sup>27</sup> The CLCPA defines disadvantaged communities as those who “bear the burdens of negative public health effects, environmental pollution, impacts of climate change...or comprise of high concentrations of low- and moderate-income households.”<sup>28</sup>

Section 7(3) demands that state agencies, when considering and issuing administrative approvals and decisions, “shall not disproportionately burden disadvantaged communities” and “shall prioritize reduction of greenhouse gas emissions and co-pollutants in disadvantaged communities....” Section 7(3) makes clear the Legislature’s intent to prioritize reductions of greenhouse gas emissions and co-pollutants in communities like those next to the Kensington Expressway.

As explained supra—Section I, the Kensington Expressway proposed project increases air pollution to the “disadvantaged community.” The residents, who are predominately Black, have been cut off from meaningful economic resources and exposed to a higher rate of pollutants and toxins. The goals of the CLCPA are to prioritize the safety and health of the community that has been carrying the brunt of harm caused by the original build of Kensington Expressway. Finally, the NYSDOT failed to meaningfully consider any alternatives to reroute traffic that would reduce the exposure from vehicle pollution in this community to meet the demands of the CLPA.

#### V. Conclusion

We must ensure the awful history of the past does not repeat itself. For the above reasons we are requesting the NYSDOT conduct an Environmental Impact Statement to determine the full impact of the project, including the

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<sup>26</sup> Env’t Conserv L §75- 15

<sup>27</sup> See id. § 1 [7]

<sup>28</sup> See New York State, Climate Act: Ensuring Equity and Inclusion [2023] available at <https://climate.ny.gov/Our-Impact/Ensuring-Equity-Inclusion> and mandates that state agencies identify disadvantaged communities using specific criteria including income, race, and proximity to major toxins; Env’t Conserv L §75-0111 [1] [b].



125 Broad Street  
19<sup>th</sup> Floor  
New York NY 10004  
(212) 607-3300  
[nyclu.org](http://nyclu.org)

Donna Lieberman  
*Executive Director*

Wendy Stryker  
*President*

future land use and air quality impacts. We are requesting an extended public participation process that includes meaningful public participation from residents in the impacted neighborhoods. Finally, we are requesting compliance with the CLCPA to consider alternative proposals that prioritize decreasing exposure to this community, including rerouting cars traveling through this neighborhood for the benefit of the suburbs. If you have any questions, contact Lanessa Owens-Chaplin [Lchaplin@nyclu.org](mailto:Lchaplin@nyclu.org).

Lanessa Owens- Chaplin  
Director, Racial Justice Center  
Center

Camara Stokes-Hudson  
Education Counsel, Education Policy



125 Broad Street  
19<sup>th</sup> Floor  
New York NY 10004  
(212) 607-3300  
[nyclu.org](http://nyclu.org)

Donna Lieberman  
*Executive Director*

Wendy Stryker  
*President*



REGION 2  
NEW YORK, N.Y. 10007

October 26, 2023

Matthew Michael Seymour  
U.S. Department of Transportation  
Federal Highway Administration – HPD-NY  
Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, NY 12207

RE: PIN 5512.52 – Draft Design Report / Environmental Assessment  
NYS Route 33 Kensington Expressway Project; NYS Route 33  
from Best Street to Sidney Street  
City of Buffalo, Erie County

Dear Mr. Seymour,

In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA) and the National Environmental Policy Act (NEPA), the United States Environmental Protection Agency (EPA) has reviewed the Draft Design Report/ Environmental Assessment (EA) prepared by the Federal Highway Administration (FHWA) and the New York State Department of Transportation (NYS DOT). The CAA Section 309 role is unique to EPA, providing EPA the authority to review and comment in writing on the environmental impact of any major federal agency action and to make EPA's written comments available to the public.

The EA has been developed to address potential environmental impacts from the proposed action. The purpose and need of the proposed action is to reconnect the community surrounding the below-grade section of the Kensington Expressway (NYS Route 33) and improve the corridor to adequately address multi-modal transportation needs within the City of Buffalo. The preferred alternative selected is to transform this depressed section of NYS Route 33 into a tunnel and recreate accessible greenspace on its grade-level surface.

EPA understands that the EA discusses potential environmental impacts of this proposed action in comparison to the no action alternative. As a result of our review, we are providing detailed comments below for FHWA and NYS DOT to consider prior to the release of the Draft EA.

Thank you for the opportunity to provide comments on this Draft EA. EPA looks forward to the receipt and review of the Draft EA, and we are committed to continuing to work with your team throughout the NEPA process. Should you have questions on our comments noted below or related to this project, please contact Arielle Benjamin at 212-637-3650 or [Benjamin.Arielle@epa.gov](mailto:Benjamin.Arielle@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Austin". The signature is written in a cursive, flowing style.

Mark Austin, Team Lead  
Environmental Review Team

## **Technical Comments:**

- **General Comments**
  - EPA acknowledges the inclusion of an Executive Summary, including a table summary of effects and mitigation of those adverse effects. This is a NEPA best practice that helps the public understand potential impacts and identifies commitments by the Lead Agency and Project Sponsors in addressing adverse impacts adequately.
- **Air Quality**
  - EPA concurs that the proposed action follows the required transportation conformity requirements for an area that is in attainment for all National Ambient Air Quality Standards (NAAQS) and the micro and mesoscale emissions analyses follow the standard guidance, though they are not required per transportation conformity.
- **Environmental Justice (EJ)**
  - The EA cites Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629; February 16, 1994) as its basis for the EJ analysis regarding the proposed action. While appreciated, Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All (April 21, 2023) was signed to provide updated language regarding EJ and to further value the role of EJ in NEPA documents, including EAs.
    - **Recommendation:** While EPA understands the footnote regarding the clarification provided by the Office of the President, EPA continues to recommend that EO 14096 be incorporated into the EJ analysis for the Final EA. While EO 12898 is a longstanding agency practice, much of what EPA has developed in recent years would require that the Lead Agency heed to the direction given by EO 14096 for federal agencies to consider "...best available science and information on any disparate health effects (including risks) arising from exposure to pollution and other environmental hazards..." Therefore, EPA continues to emphasize the importance of clarifying details particularly as it relates to the population within the study area as clearly as possible.
  - EPA appreciates the visual aids associated with identifying impacts to EJ block groups that will see potential effects from the construction and built environment of the proposed action.
    - EPA acknowledges the inclusion of analyzing individual block groups within the project area in addition to an area wide assessment. This can help identify individual areas within the overall project area that may warrant further consideration, analysis, outreach, and/or mitigation strategies. These best practices should be continued as a NEPA best practice.
  - It is noted that potential increases in property taxes could be a concern for low-income homeowners and renters but such increases could be offset by project benefits (p. 203-204). These benefits include construction spending that would increase employment and earnings in the construction industry.
    - **Recommendation:** EPA recommends the Lead Agency and Project Sponsors consider implementing a Community Benefits Agreement (CBA). A CBA can be designed to assist small businesses and job seekers in finding or obtaining construction contracts, jobs, and training opportunities for residents who live in economically disadvantaged areas. Additionally, NYSDOT can require via the CBA, that contractor(s) must hire 25-50% of workers from the community affected by the project. This will result in actual benefits to the communities near the construction site. Similar commitments were made by the Federal Agency and Project Sponsors in the I-81 Viaduct Project during the Design and Environmental Review process.



- **Cumulative Impacts**
  - EPA acknowledges the inclusion of foreseeable future and potential cumulative impacts that may be experienced within the study area due to other proposed or ongoing projects in the City of Buffalo and surrounding areas.
- **Public Participation**
  - EPA commends the Lead Agency and Project Sponsors on its extensive efforts regarding public participation throughout the development of the Draft EA. EPA has participated in the monthly stakeholder meetings both virtually and in-person and found the sessions to be quite valuable towards effective meaningful engagement, particularly regarding transportation projects, but also in NEPA overall.
    - **Recommendation:** EPA recommends FHWA include this project as a Best Management Practice (BMP) for future NEPA scoping and public engagement. In addition, EPA is currently working on Transportation Technical Guidance and would like to also cite this project as a BMP for future transportation work as well as Environmental Justice guidance through a recommendation to future updates on the guidance document: Promising Practices in NEPA Reviews.
  - There does not appear to be a mention of the community engagement work being led by the New York State Department of Environmental Conservation (NYS DEC) – Region 9 in the study area, nor EPA’s efforts with respect to disaster recovery and resiliency alongside New York State Department of State and their Brownfields program and the East Buffalo Collaborative. We regret that these connections are not yet disclosed for public awareness and understanding of other avenues for engagement beyond the Kensington Expressway Project.
    - **Recommendation:** EPA recommends that these ongoing initiatives be mentioned, especially considering that many internal meetings were held throughout scoping to support interconnectivity between the proposed action on Kensington Expressway and how the reconnection of the neighborhood will lead to necessary improvements on other elements of local infrastructure. Especially as it relates to the environment and public health of the community most impacted by the proposed action. EPA encourages the Project Sponsors and Lead Agency to consider continuing its participation with these other initiatives throughout the completion of The Project.
    - **Recommendation:** EPA recommends NYS DOT continue to host regular community engagement meetings throughout construction in addition to maintaining the community liaison office for ongoing updates through completion. These meetings should be open to stakeholders and local community members at-large. These meetings can be hosted in conjunction with the East Buffalo Collaborative and/or the NYS DEC monthly community engagement sessions.
  - The EA states that the community outreach office is open to the public Tuesday through Friday from 9:30am to 6:30pm and from 10am to 2pm on Saturday, with occasional modifications for staff to conduct direct community outreach.
    - **Recommendation:** EPA recommends that NYSDOT considers having later evening hours on some days or varying hours to accommodate different work schedules, particularly those who work during the day, through completion of the project.



---

**From:**

**Sent:** Thursday, November 9, 2023 9:45 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: RICE, SONYA

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: PUSH BUFFALO

Comment: Restoration of the parkway will bring healthier outcomes to the people who live next to the Humboldt Pkwy. Greenspace creates mental peace, calms moods, and increases the air quality. People will spend time outdoors gardening in their yards growing healthy, non-polluted, edible vegetables and fruits, walking the pathways, biking, skating; finally able to enjoy fresh air. The housing stock will not be covered in exhaust fumes, either and people will be able to open their windows and sit on their porches w/o coughing...

The time to do better is here. Restore the parkway and improve the wuality of life in these communities. Thank you.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

[Sent from the all new AOL app for Android](#)

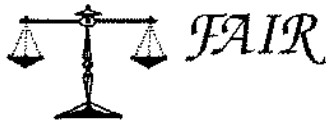
**From:** [Brad Buyers](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Subject:** FAIR - Support for the Kensington PINI 5512.52 project  
**Date:** Wednesday, November 8, 2023 2:16:18 PM  
**Attachments:** [FAIR - PIN5512.52 Support Letter.pdf](#)

---

Please see the attached.

Thank you!

Bradley M. Buyers  
Vice President  
County Line Stone Co., Inc



November 7, 2023

Mrs. Marie Therese Dominguez  
Commissioner  
NYS Dept. of Transportation  
50 Wolf Rd.  
Colonie, NY 12205

Re: Support for the ROCC/Covering the Rt. 33 Kensington Expressway Project PIN 5512.52

Dear Commissioner Dominguez:

I am writing to express my support for the ROCC (Restore Our Community Coalition)/Covering of the Rt. 33 Kensington Expressway Project. This initiative has been a community-led advocacy effort for 15 plus years by residents from the immediately surrounding neighborhoods.

I support Phase One of the ROCC project which is designed to reconnect neighborhoods that were divided due to the original construction of the Rt. 33 Kensington Expressway in the 1950's. By covering a portion of the Rt. 33 Kensington Expressway from Dodge Street to Sidney Street, it is our collective vision to restore Frederick Law Olmsted's design for Humboldt Parkway for recreational greenspace, to stabilize and increase area property values, allowing opportunities for families to create generational wealth, and improve community health by reducing vehicular emissions.

This \$1 billion construction project has the ability to create thousands of household-sustaining jobs and training opportunities for many years here in a low-income community of color that has experienced decades of disinvestment, discrimination, redlining, and most recently, a heinous and violent act of racism.

The reclamation infrastructure project is restorative and social justice. The expressway's retaining walls have reached the end of their lifespan. Redesigning and reconstructing this area will enhance public safety and neighborhood aesthetics.

In closing, I support the ROCC/Covering the Rt. 33 Kensington Expressway project and desire to see it create jobs for area residents, improve public health by creating recreational space and reducing upper respiratory illnesses, beautify the surrounding neighborhoods, reconnecting neighborhoods, improving transit safety and efficiency, and increasing area property values.

Sincerely,

Bill Schmitz, VP, QC & Sales  
Gernatt Asphalt Products, Inc.

Doug May, President  
Oakgrove Construction, Inc.



Carley Hill, Owner  
CaHill Resources

Gary Hill, Vice President  
Union Concrete

Brad Buyers, Vice President  
County Line Stone

Thomas Saia, President  
Iroquois Bar Corp.

Gary Swain, Business Manager  
Intl. Union of Operating Engineers Local 17

Anthony G. Milone, P.E., Vice-President  
Occhino Corp.

Brian Kirchmeyer, Vice President  
United Materials LLC

Maria Lehman, VP Infrastructure for NY  
Parsons

Curt Resetarits, VP Sales – NY Materials  
New Enterprise Stone & Lime Co, Inc.

Ryan M. Forrestel, P.E., President  
Cold Spring Construction

Sam Capitano, President  
Laborers Local 210



---

**From:** Jeff Borden

**Sent:** Friday, September 29, 2023 8:36 AM

**To:**

**Cc:** Jeff Borden

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Borden, Jeff

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: Cold Spring Construction Co.

Comment: The opportunities and potential generated from this investment into our WNY community are truly once in a lifetime. The video rendering illustrating what the finished product will look like leaves no doubt as to the transformative capability this project has in communities that need it. As someone who hopes to lend a hand in its construction, this is the type of project that myself and anyone else investing sweat equity goes home and brags to their friends and family about being a part of. I sincerely hope our leaders continue to march forward in delivering this project not only to the children that will play tag on it once it is completed, but the thousands of workers that will cherish the opportunity to help build it.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

Jeff Borden, P.E.

Vice President

Cold Spring Construction Co.



**From:** [Lauren Chmielowiec](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** ROCC Draft Support Form Letter  
**Date:** Thursday, November 9, 2023 4:55:07 PM  
**Attachments:** [ROCC.pdf](#)

Hi

Please see attached

Thank you

**Lauren Chmielowiec**

Upstate Steel | Upstate Rebar | Scranton's Thruway Builders

[lauren@upstatesteel.com](mailto:lauren@upstatesteel.com)

Office: 716-892-8434

[250 Lake Avenue, Blasdell, NY 14219](#)

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***Serving your Steel, Rebar, and Builder Supply needs***



November 7, 2023

Mrs. Marie Therese Dominguez  
Commissioner  
NYS Dept. of Transportation  
50 Wolf Rd.  
Colonie, NY 12205

Re: Support for the ROCC/Covering the Rt. 33 Kensington Expressway Project

Dear Commissioner Dominguez:

I am writing to express my support for the ROCC (Restore Our Community Coalition)/Covering the Rt. 33 Kensington Expressway Project. This initiative has been a community-led advocacy effort for 15 plus years by residents from the immediately surrounding neighborhoods.

I support Phase One of the ROCC project which is designed to reconnect neighborhoods that were divided due to the original construction of the Rt. 33 Kensington Expressway in the 1950's. By covering a portion of the Rt. 33 Kensington Expressway from Sidney Street to Northampton Street, it is our collective vision to restore Frederick Law Olmsted's design for Humboldt Parkway for recreational greenspace, to stabilize and increase area property values, allowing opportunities for families to create generational wealth, and improve community health by reducing vehicular emissions.

This \$1 billion construction project has the ability to create thousands of household-sustaining jobs and training opportunities for many years here in a low-income community of color that has experienced decades of disinvestment, discrimination, redlining, and most recently, a heinous and violent act of racism.

The reclamation infrastructure project is restorative and social justice. The expressway's retaining walls have reached the end of their lifespan. Redesigning and reconstructing this area will enhance public safety and neighborhood aesthetics.

In closing, I support the ROCC/Covering the Rt. 33 Kensington Expressway project and desire to see it create jobs for area residents, improve public health by creating recreational space and reducing upper respiratory illnesses, beautify the surrounding neighborhoods, reconnecting neighborhoods, improving transit safety and efficiency, and increasing area property values.

Sincerely,

*Lauren Chmielowiec*

Lauren Chmielowiec  
President  
Upstate Steel/ Upstate Rebar

# ARC & COMM

790 E. Delavan Avenue  
Buffalo, New York 14215-3041  
Tel: (716) 892-4240

October 27, 2023

NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

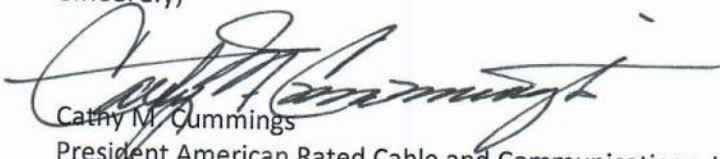
American Rated Cable and Communications, Inc. supports the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet limits of the Region Central project at Delavan to complete the "One Road" concept reconnecting MLK Jr. and Delaware Parks. This project and its initial phase is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. The construction of Route 33 brought tremendous economic and environmental harm and devastation to the residents and businesses along Humboldt Parkway, Hamlin Park and MLK Park neighborhoods and business corridors in the City of Buffalo, especially Fillmore and Jefferson Avenues. Recreating a green space and access across East-West segments of streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway. Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project while maintaining an important transportation link for the regional traffic.

To prevent the original mistake of constructing the Expressway against the interests of the immediate community, the American Rated Cable and Communications, Inc. further supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. We further request:

- Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway
- Health Impacts Assessment
- Maintenance Sustainability Study including estimated annual budgets and maintenance responsibilities for the concept
- Parking Spaces not be completely eliminated for residents along the parkway
- In-depth examination of the impacts of the pedestrian crossings and movement at the roundabouts

The current concept still needs some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. Converting this now decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy M. Cummings", with a long horizontal flourish extending to the right.

Cathy M. Cummings  
President American Rated Cable and Communications, Inc.  
790 E. Delavan Ave.  
Buffalo, NY 14215-3041  
(716)892-4240 Office

NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT  
P.I.N. 5512.52  
PUBLIC HEARING  
SEPTEMBER 27TH, 10:30AM-2PM & 4:30PM-8PM  
BUFFALO MUSEUM OF SCIENCE  
COMMENT FORM

Name: Richard E. Cummings Affiliation (if applicable): BCE of WNY

Address: \_\_\_\_\_ Date 11/2/2023

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**COMMENTS\***

I support the covering of the Kensington Expressway with ventilation provided that the  
levels below the national ambient air quality standard do not cause health issues for the  
community. I do not support the removal of parking along Humboldt Parkway, especially  
where it is completely eliminated. Further, I also support continuing this work all the  
way to Delaware Park.

*\*Any information provided on this form may become part of the project file, which is a public record.*

You may submit your comments by leaving this form in the comment box, by U.S. mail (see pre-addressed mailer on reverse side), or by e-mail to: [kensingtonexpressway@dot.ny.gov](mailto:kensingtonexpressway@dot.ny.gov)  
**Comments are due by October 27th, 2023.**



## BROMEIO FORUM

66 East Oakwood Place  
Buffalo, New York 14214  
716-380-9523  
hcurtisiii@gmail.com

October 23, 2023

Regional Director Francis P Cirillo  
NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Mr. Cirillo:

BROMEIO is a group of semi-retired and retired men from diverse backgrounds of expertise and professions that spans the gamut and history of the Buffalo Metropolitan area going back over 100 years. Many of our members were present for the tragedy that began the destruction of our community over 70 years ago. We are in support of the direction that the Kensington project is going with this initial phase of a covering to continue the connection of MLK Park and Delaware Park. We do not support the removal of parking along Humboldt Parkway, especially where it is completely eliminated for residents.

We want assurance that the ventilation system that is being proposed does not cause severe health ramifications as the construction of Route 33 did originally. While the environmental assessment indicates the air quality levels are below the national ambient air quality standard, this benchmark may not be an adequate measurement to impede diseases that have been prevalent in neighborhoods with highways running through them or in close proximity.

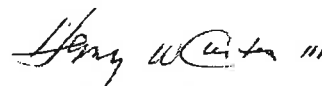
The Best Street roundabout configuration appears to be effective means in maintaining the follow of traffic, however in light of the unique and extremely complex design, we urge further investigation regarding the safety of pedestrian crossing and movement. This is a greater concern during summer months and when annual events take place in MLK Park which draw huge crowds of people and out of towners.

We support the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. BROMEIO urges the inclusion of residents and businesses from the area, especially those in the Jefferson and Fillmore corridors, be included in the construction of the project. The current concept still need some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. Converting this now decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,



Richard C. Cummings  
Chairman



Henry W. Curtis III  
Chaplain-Secretary



## THE BLACK CHAMBER OF COMMERCE OF WESTERN NEW YORK, INC.

836 East Delavan Avenue Buffalo, New York 14215 Ofc: (716) 995-0622 Fax: (716) 597-0263  
Email: wnyblackchamber@yahoo.com Web: www.wnyblackchamber.org

October 20, 2023

NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

The Black Chamber of Commerce of Western New York (BCCWNY) supports the Kensington Expressway Project, the design and environmental assessment as necessary steps towards the restoration of Humboldt Parkway. This project is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. The construction of Route 33 brought tremendous economic and environmental harm and devastation to the residents and businesses along Humboldt Parkway, Hamlin Park, Trinidad Park and MLK Park neighborhoods and business corridors in the City of Buffalo, especially Fillmore and Jefferson Avenues. Recreating a green space and access across East-West segments of streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway.

Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project while maintaining an important transportation link for the regional traffic. We request assurance that the ventilation system that is being proposed does not cause severe health ramifications as the construction of Route 33 did originally. While the environmental assessment indicates the air quality levels are below the national ambient air quality standard, this benchmark may not be an adequate measurement to impede diseases that have been prevalent in this neighborhood due to the highway running through it.

The Best Street roundabout configuration appears to be an effective way to maintain the flow of traffic, however in light of the unique and extremely complex design, we urge further investigation regarding the safety of pedestrian crossing and movement. This is a greater concern during summer months when annual events take place in MLK Park which draw huge crowds of people and many out of town visitors. We do not support the removal of parking along Humboldt Parkway, especially where it is completely eliminated for residents.

The chamber supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. The BCCWNY urges the inclusion of residents and businesses from the area, especially those in the Jefferson and Fillmore corridors, be included in the construction of the project. The potential long-term employment opportunities and the increase in business revenue to be created by a project of this scale will be of great benefit to this community that struggles to be included in the region's current economic advancement. The current concept still needs some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. Converting this decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,

Richard C. Cummings, President

"Unbossed and Unbought"



---

**From:** John Evers

**Sent:** Thursday, November 9, 2023 10:04 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Evers, John

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: American Council of Engineering Companies of New York

Comment: The American Council of Engineering Companies of New York represents nearly 300 member firms who engage in every discipline of engineering related to the built environment. We are a diverse group of consulting engineering firms from across New York. The purpose of the Project is to reconnect communities while simultaneously addressing the inherent transportation issues throughout the transportation corridor. Through proper planning and engineering, the project overcomes a number of significant issues such as maintaining traffic flow, pedestrian and bicycle mobility while modernizing the corridor, connecting communities cut off from each other, and addressing various geometric and infrastructure issues. The project addresses various land use issues, and creates continuous greenspace, thus enhancing the visual and aesthetic environment. These changes add great transportation and environmental improvements in the NYS Route 33, Kensington Expressway. We look forward to the implementation.

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## **Testimony**

**The American Council of Engineering Companies of New York (ACEC New York)**

**John T. Evers, President/CEO**

**November 9, 2023**

The American Council of Engineering Companies of New York (ACEC New York) is a proactive coalition representing nearly 300 member firms who engage in every discipline of engineering related to the built environment including civil, structural, mechanical, electrical, environmental, and geotechnical. We are a diverse group of consulting engineering firms from across New York State, ranging from sole proprietors to multinational corporations that collectively employ over 33,000 New Yorkers and nearly ten times that number worldwide.

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Highway Administration, has prepared an Environmental Document for the NYS Route 33, Kensington Expressway Project, located in the City of Buffalo, Erie County, NY. The draft purpose of the Project is to reconnect the community surrounding the defined transportation corridor and improve the compatibility of the corridor with the adjacent land uses, while addressing the geometric, infrastructure, and multi-modal needs within the corridor in its current location. The transportation corridor is defined as NYS Route 33 (Kensington Expressway) and Humboldt Parkway between Best Street and Sidney Street.

The land use along the project corridor consists of urban residential neighborhoods, generally

6 Airline Drive, Albany, NY 12205-1022 • Tel 518.452.8611

8 West 38<sup>th</sup> Street, Suite 1101, New York, NY 10018 • Tel 212.682.6336

Email [acecny@acecny.org](mailto:acecny@acecny.org) [www.acecny.org](http://www.acecny.org)

constructed in the early 1900s. The properties along the Humboldt Parkway are primarily residential in nature, including single and multi-family houses. The construction of the NYS Route 33 (Kensington Expressway) in the 1950s and 1960s resulted in the removal of the original Humboldt Parkway landscaped median, which severed several local east-west streets, reducing connectivity between the east and west portions of the neighborhood. Vehicular, pedestrian and bicycle travel over the depressed Kensington Expressway was maintained on five (5) bridges that carry the local street network (East Ferry Street, East Utica Street, Northampton Street, West Parade Street, and Best Street) east and west across the Expressway. To address the situation, Governor Hochul has set aside up to \$1 billion for the East Buffalo project which includes restoration of the expansive green space that had once connected the community.

In December 2022, NYSDOT in cooperation with the Federal Highway Administration, completed the scoping report for the Kensington Expressway project, which identified the build alternative to be advanced for further study in the environmental process. Earlier this year, the Biden Administration announced \$55.59 million has been awarded to the Kensington Expressway project through the U.S. Department of Transportation's Reconnecting Communities Program. The program, established by President Biden's Bipartisan Infrastructure Law, is a first-of-its-kind initiative to reconnect communities that are cut off from opportunity and burdened by past transportation infrastructure decisions.

As the leaders in the design and consulting engineering industry, we submit this testimony in support for the NYS Route 33 Kensington Expressway Project. The purpose of the Project is to reconnect communities while simultaneously addressing the inherent transportation issues

throughout the transportation corridor. Through proper planning and engineering, the Project overcomes a number of significant issues such as maintaining traffic flow, pedestrian and bicycle mobility while modernizing the corridor, connection communities cut off from each other, and addressing various geometric and infrastructure issues. The Project addresses various land use issues, and creates continuous greenspace, thus enhancing the visual and aesthetic environment. These changes add great transportation and environmental improvements in the NYS Route 33, Kensington Expressway between Best Street and East Ferry Street, including Humboldt Parkway within these project limits.

The additional funding identified by both state and federal sources will modernize, enhance, improve, and reunite neighborhoods, through thoughtful and carefully engineered plans. ACEC New York supports this project and looks forward to seeing it move towards the implementation stages, construction, and completion.

# B.U.I.L.D of Buffalo, Inc.

October 27, 2023

NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

B.U.I.L.D. of Buffalo, Inc. is a group of community leaders, activists and concerned individuals who have a mission to bring about changes in the lives of all people. We support the Restore Our Community Coalition (ROCC) and the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet limits of the Region Central project at Delavan to complete the "One Road" concept reconnecting MLK Jr. and Delaware Parks. This project and its initial phase is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. The construction of Route 33 brought tremendous economic and environmental harm and devastation to the residents and businesses along Humboldt Parkway, Hamlin Park, Trinidad Park and MLK Park neighborhoods and business corridors in the City of Buffalo, especially Fillmore and Jefferson Avenues. Recreating a green space and access across East-West segments of streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway. Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project while maintaining an important transportation link for the regional traffic.

To prevent the original mistake of constructing the Expressway against the interests of the immediate community, the B.U.I.L.D further supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. We further request:

- Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway
- Health Impacts Assessment
- Maintenance Sustainability Study including estimated annual budgets and maintenance responsibilities for the concept
- Parking Spaces not be completely eliminated for residents along the parkway
- In-depth examination of the impacts of the pedestrian crossings and movement at the roundabouts

The current concept still need some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. Converting this now decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,



Charley H. Fisher, III, President





**From:** Jonathan Fuzak

**Sent:** Friday, November 3, 2023 5:50:15 PM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Fuzak, Jonathan

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: Laborer

Comment: This is a very important project for our, completing a vision of equality in our city

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Jonathan Fuzak

Organizer/Business Development

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-----Original Message-----

From: Jonathan Fuzak

Sent: Monday, November 6, 2023 10:05 AM

To:

Subject: [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Fuzak , Jonathan

Address:

Phone:

Email:

Include on future project updates: NO

Affiliation: Local 210

Comment: We need our neighbors and neighborhoods connected the way they were designed to be

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Jonathan Fuzak

Organizer/Business Development

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---

**From:** Ellen Harvey

**Sent:** Wednesday, September 27, 2023 5:03:13 PM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Harris-Harvey, Ellen

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: ROCC Member,

Trinidad Neighborhood Association, President.

Olmsted Parks Administrator.

Community Ambassador

Comment: The NYSDOT 33 Kensington Project plan is a viable solution that will re-connect our Humboldt Parkway communities in this historic district of the East side of Buffalo.

Our African American communities were done a Grave injustice and severed by both the 33 Kensington and 198 Scajaquada expressway projects.

Please Restore our Entire Humboldt Parkway COMMUNITY!

Suggestions:

(Phase I) 33 Kensington Expressway Tunnel and Humboldt Pkwy. Restoration Project.

(Phase II) Humboldt Parkway Restore our Trinidad Neighborhood/Hamlin Park East Side Community @The 33/198 Scajaquada Juncture. Start@Sydney Street -Northward -End at Parkside Avenue!

(Phase III) 198 Scajaquada Restoration Project. Olmstead Principles create needed green spaces, restore Scajaquada Creek, control traffic flow, increase park use, add valuable walkable trails & mobility spaces to enhance the quality of life of all residents who utilize the 198 Scajaquada Highway, and residents in the Corridor Project Community.

(RECONNECT TRINIDAD & HAMLIN PARK NEIGHBORHOOD)

(RESTORE THE GAP)

(DON'T FORGET THE GAP)

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Sent from my iPhone

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**From:** [Ellen HarrisHarvey](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Cc:** [Restore Our Community Coalition](#)  
**Subject:** 33 Kensington Public Comment Submission  
**Date:** Wednesday, October 25, 2023 3:26:08 PM  
**Attachments:** [Trinidad LOS NYSDOT Sept 27 Public Hearing NYS Route 33 PIN 5512.52.docx](#)

Good afternoon,

I hope this message finds you well.

Please see the attached document which contains a letter regarding my support for the 33 Kensington project.

Public Comments for the 33 Kensington Expressway are due this Friday, October 27th, 2023. We need more supportive comments as there are some groups putting out false information and trying to divert the efforts of this project.

***Sincerely,***  
***Ms. Ellen Harris-Harvey***  
***President, Trinidad Neighborhood Association Block Club***  
***Executive Board & Membership Chair, NAACP Buffalo Branch***  
***"Life is not measured by the number of breaths we take,***  
***but by the moments that take our breath away." Maya Angelou"***

NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

The Trinidad Neighborhood Association Block Club supports the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet limits of the Region Central project at Delavan to complete the “One Road” concept reconnecting MLK Jr. and Delaware Parks.

We agree this project and its initial phase is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. The construction of Route 33 brought tremendous economic and environmental harm and devastation to the residents and businesses along Humboldt Parkway, Hamlin Park, the Trinidad Park neighborhood, MLK Park neighborhoods and business corridors in the City of Buffalo, especially Fillmore and Jefferson Avenues.

Recreating a green space and access across the East-West segments of our streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway.

Removing the direct impact of pollution from the Kensington Expressway traffic will be a significant health benefit from said project while maintaining an important transportation link for the regional traffic.

To prevent the original mistake of constructing the Expressway against the interests of the immediate community, the Trinidad Neighborhood Association further supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to ensure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. We further request:

- Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway
- Health Impacts Assessment
- Maintenance Sustainability Study including estimated annual budgets and maintenance responsibilities for the concept
- Parking Spaces are not completely eliminated for residents along the parkway
- In-depth examination of the impacts of the pedestrian crossings and movement at the roundabouts

- We need further assurance that the ventilation system that is being proposed does not cause severe health ramifications as the construction of the Route 33 did originally.
- We further urge the proper treatment and disposal of any hazardous materials such as asbestos during construction, being that the construction levels of dust be minimized, and residents' well-being remain at the forefront of this project.
- While roundabouts are highly effective in keeping traffic patterns flowing, the Best Street configuration is quite unique and extremely complex.
- We urge further investigation regarding the impacts of the pedestrian crossing and movement, especially during summer months and when annual events take place in MLK Park for the safety of our community.
- We have concerns regarding the acquisition of small parcels of land for ADA walkway accessibility. If the parkway adds frontage to the houses along Humboldt Parkway, why is it necessary to acquire small portions of homeowners' land?

The current concept still needs some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system.

Converting this now decaying bathtub portion of the expressway to a beautiful connector, improving the visual quality and natural environment of Humboldt Parkway will catalyze improvement of property values and assist in the revitalization of business districts along Fillmore and Jefferson Avenues. A restored Humboldt Parkway is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

*Sincerely yours,*

***Ms. Ellen Harris-Harvey, President***

***Trinidad Neighborhood Association Block Club***

NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT  
P.I.N. 5512.52  
PUBLIC HEARING  
SEPTEMBER 27TH, 10:30AM-2PM & 4:30PM-8PM  
BUFFALO MUSEUM OF SCIENCE  
COMMENT FORM

Name: Anthony James Affiliation (if applicable): Fillmore Forward board member Broadway-Fillmore Neighborhood Housing Services  
Address: \_\_\_\_\_ Date 10-19-23 board member  
Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**COMMENTS\***

The original expressway project built in the 1960s was a huge mistake, destroying the longest, and very beautiful, Olmsted designed (Humboldt) Parkway. But not just the destruction of an iconic historic resource of national, in fact international, significance, but also the devastation of a very intact residential community, splitting it in half. Then there is the huge financial cost of this project, not just the initial construction cost, but also the ongoing yearly maintenance costs, and then periodic upgrades that will be necessary. Billions of dollars initially, then millions of dollars in ongoing financial costs. Based on the costs of filling in the depressed Inner Loop removed project in Rochester filling in the 33 would be significantly cheaper.

Then there are the health issues. The project representative said that the fill it in approach would create more pollution. Not only is this statement counter intuitive but I do not believe the science behind it is universally accepted. The traffic will find alternate routes, this has been proven in other highway removal projects, in San Francisco, in Milwaukee, in Rochester, etc.

So, in conclusion, this project will likely give us another 60 years of not doing project optimally for the community. It will just be another mistake listed on the community for another 60 years.

\*Any information provided on this form may become part of the project file, which is a public record.

You may submit your comments by leaving this form in the comment box, by U.S. mail (see pre-addressed mailer on reverse side), or by e-mail to: [kensingtonexpressway@dot.ny.gov](mailto:kensingtonexpressway@dot.ny.gov)  
Comments are due by October 27th, 2023.

---

**From:** Gwendolyn

**Sent:** Tuesday, November 7, 2023 10:44 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: JervisWhite, Gwendolyn

Address:

Phone:

Email:

Include on future project updates: NO

Affiliation: Hamlin Park stakeholder

Comment: I commend Stephanie Barber Geter and the ROCC for their dedication and hard work. I remember the greenery on Humboldt Parkway as a little girl, when I came to visit my family in Buffalo. Coming from NYC, this excited me and helped me make my decision to relocate here. I am sure ROCC has had many discussions on how to proceed and how to secure funding for the betterment of all concerned. I hope their plans are given a chance.

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Sent from [Mail](#) for Windows

**From:** [Cornelius Johnson](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Subject:** CAI letter of support  
**Date:** Monday, October 23, 2023 12:44:20 PM  
**Attachments:** [CAI support ltr.pdf](#)





## Citizens Alliance, Inc.

836 East Delavan Ave  
Buffalo, NY 14215  
Office: (716) 597-0262  
Fax: (716) 597-0263  
c\_alliance836@yahoo.com  
www.citizensallianceinc.org

October 19, 2023

NYS Route 33, Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

RE: Public Hearing September 27<sup>th</sup>, 2023 – NY Route 33 PIN 5512.52

Dear Kensington Expressway Project Team:

Citizens Alliance, Inc. (CAI) supports the Kensington Expressway Project to cover a portion of Route 33, with a preference that the project meet limits of the Region Central project at Delavan to complete the "One Road" concept reconnecting MLK Jr. and Delaware Parks. This project and its initial phase is a vital part of attaining the goal to reconnect a community that has been marginalized for decades and disenfranchised from the current economic resurgence of Buffalo. Recreating a green space and access across East-West segments of streets disrupted by the expressway will help remediate the physical and psychological barrier to social and economic vitality for residents, businesses, and anchor institutions around Humboldt Parkway.

To prevent the original mistake of constructing the Expressway against the interests of the immediate community, CAI further supports the full involvement of community stakeholders in the design process, and that the designers heed the community goal to insure that the infrastructure designed will lead to a revitalized, walkable, and healthy urban environment. We further request:

- Historic Land Report be completed as part of the process for adherence to historic cross-sections of the parkway including tree heights with the restored parkway
- Health Impacts Assessment
- Parking Spaces not be completely eliminated for residents along the parkway
- In-depth examination of the impacts of the pedestrian crossings and movement at the roundabouts

The current concept still need some clarification and context including a thorough analysis of environmental impact and related public health concerns. We are confident that our neighborhood transformation will thrive with reconnecting our community and restoring the greenspace designed by Frederick Law Olmsted as a capstone parkway within the park system. A restored Humboldt is essential for a complete renaissance of Buffalo where everyone can participate in the progress, and those neighborhoods once scarred can be restored.

Sincerely,



Cornelius Johnson, Executive Director

**From:** [Sarah Patrie](#)  
**To:** [dot.sm.kensingtonexpressway](#)  
**Subject:** NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT  
**Date:** Friday, October 20, 2023 12:18:45 PM  
**Attachments:** [NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT.pdf](#)

---

**Sarah H. Patrie, PE**  
Vice President, Transportation Services  
**AGC NYS**  
**[10 Airline Drive, Suite 203](#)**  
**[Albany, New York 12205](#)**  
518-769-9518 (M)  
**[www.agcnys.org](#)**  
*The New York State Chapter of the*  
*Associated General Contractors of America*

NYS ROUTE 33, KENSINGTON EXPRESSWAY PROJECT  
P.I.N. 5512.52  
PUBLIC HEARING  
SEPTEMBER 27TH, 10:30AM-2PM & 4:30PM-8PM  
BUFFALO MUSEUM OF SCIENCE  
COMMENT FORM

Name: Sarah Patric Affiliation (if applicable): AGC NYS  
Address: 10 Airline Dr. Suite 203 Albany NY 12205 Date 10/20/23  
Phone Number: (518) 769-9518 E-mail: spatne@agcnys.org

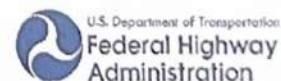
COMMENTS\*

AGC is supportive of this transformative project,  
the Kensington Expressway.

Improving traffic flow, reducing pollution  
for future residents and making green  
spaces with a walkable community make  
a huge impact on the well being of  
everyone; and creating infrastructure that will  
last for generations.

*\*Any information provided on this form may become part of the project file, which is a public record.*

You may submit your comments by leaving this form in the comment box, by U.S. mail (see pre-addressed mailer on reverse side), or by e-mail to: [kensingtonexpressway@dot.ny.gov](mailto:kensingtonexpressway@dot.ny.gov)  
Comments are due by October 27th, 2023.





---

**From:**

**Sent:** Thursday, October 26, 2023 8:40 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Schunk, Beth

Address:

Phone:

Email:

Include on future project updates: NO

Affiliation: Oakgrove Construction

Comment: This would be a transformative project for WNY, connecting neighborhoods, bringing a boost to the WNY community, a helpful step in revitalizing a long disadvantaged area. Thank you NYSDOT for bringing this much needed project to the table.

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**From:** Micaela Shauku

**Sent:** Friday, November 10, 2023 9:25:32 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Shauku, Micaela

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: Resident, Architectural Designer at Architectural Resources

Comment: I am in favor for the project. Please consider adding a ventilation system that reduces the air quality risks that are generated at each end of the cap. Please design the cap to be deep enough to support the growth of tall mature trees.

**Micaela B. Shauku**

[mshauku@archres.com](mailto:mshauku@archres.com)

*Please note that I have changed my name.*

**Architectural Resources**

716.332.5083 [Microsoft Teams](#)

716.883.5566 [Buffalo](#)

212.674.1457 [NYC](#)

[www.archres.com](http://www.archres.com)

-----Original Message-----

From: Sherry Sherrill

Sent: Thursday, November 9, 2023 9:58 AM

To:

Subject: [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Sherrill, Sherry

Address: Covington Associates Consulting | CAC 725 Hertel Avenue-Suite 601, Buffalo, New York 14207

Phone:

Email: CovingtonAssocConsulting@Gmail.Com

Include on future project updates: YES

Affiliation: Consulting Firm with its own MLK Park Neighborhood 'targeted' Improvement Project, and its (respective) Positive Youth Development Initiative, titled "Youth Opportunity! Buffalo".

Comment: This entire Restoration/Reclamation Effort is a long-awaited "blessing". Please do not be discouraged by short-sighted, long-winded, naysayers just looking for an Opportunity to complain. If subcontractor Opportunities, for Minority-owned Consulting Companies arise, please place my Firm, Covington Associates Consulting | CAC, within the Notification Directory/List. Thank you, kindly.

\* this email was generated by kensingtonexpressway.dot.ny.gov

Sent from my iPhone

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**From:** [Dana Slawson](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** Buffalo Kensington Expressway/Olmstead Parkway Capping Project  
**Date:** Thursday, November 9, 2023 1:41:48 PM

Dear Mr. Vaidya and Mr. Seymour:

I'm writing today as a 30+ year resident of the Buffalo area and as a historic preservation professional (SUNY Bflo, MArch '89). I have deep concerns regarding the proposed FHWA/NYDOT plan to cap a mile-long portion of the Kensington Parkway that traverses Delaware Park. As you are aware, the Expressway bisects the National Register of Historic Places-listed and nationally significant park and parkway system designed by Fredrick Law Olmsted and Calvert Vaux. The Cultural Landscape Foundation's President, Charles A. Birnbaum, has stated that it is a potential National Historic Landmark candidate as well. It is my firm belief that, without an Environmental Impact Statement and a Cultural Landscape Report, reviewing agencies and decision makers lack sufficient context and understanding for determining the appropriateness of capping the Kensington Expressway. As currently proposed, I fear that a once-in-a-lifetime opportunity to return the former Humboldt Parkway to something better reflecting the original design intent of Olmsted and Vaux, and therefore, more appropriate and in accordance with the Secretary of the Interior's Standards, will be squandered.

Buffalo has demonstrated its ability to successfully steward nationally significant properties that have been on the brink of erasure. The Darwin D. Martin House complex, located in the Parkside Historic District laid out by Frederick Law Olmsted, Sr., has been the beneficiary of a \$50 million restoration to recapture Frank Lloyd Wright's design intent. Shouldn't the nationally significant park system be afforded the same opportunity?

Thank you for your further consideration of this important matter.

Sincerely,

Dana Slawson, MArch.

Principal, Greenwood & Associates, LLC



**From:** [Mark Sporysz](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Subject:** KENSINGTON EXPRESSWAY  
**Date:** Thursday, November 9, 2023 12:49:48 PM  
**Attachments:** [image003.png](#)

Hello,

I vote against wasting any money on this project.  
Scrap the foolish idea and spent the money fixing the local bridges in the area.

Thank you,

**Mark Sporysz | Senior Design Engineer**

160 Elmview Avenue, Hamburg, NY 14075 | USA

Office - 716.312.0088 ext. 148 | Fax - 716.312.0028



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**staub**

**From:** [Steffek, Heather](#)  
**To:** [dot.sm.kensingtonexpressway](mailto:dot.sm.kensingtonexpressway)  
**Cc:** [Michael Fleischer](#); [bcuerdon@pavement.com](mailto:bcuerdon@pavement.com)  
**Subject:** Comments Supporting the Kensington Expressway  
**Date:** Wednesday, November 8, 2023 11:32:34 AM  
**Attachments:** [ACPA NYS Comments in Support of Kensington Expressway.docx](#)

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Dear Kensington Expressway Project Team:

Please find attached comments from the American Concrete Pavement Association in support of the Kensington Expressway Project.

Best regards,  
Heather Steffek

Heather Steffek, LEED AP  
ACPA-NYS Chapter Executive Director  
PO Box 42, East Schodack, NY 12063  
(518) 527-1547 | [nys.pavement.com](http://nys.pavement.com)



Kensington Expressway Project Team  
NYSDOT Region 5  
100 Seneca Street  
Buffalo, NY 14203

Dear Kensington Expressway Project Team:

The American Concrete Pavement Association supports the Kensington Expressway project, as this important and long-discussed project will provide economic and community benefits to the Buffalo area.

We also suggest that serious consideration be given to upgrading the surface roads surrounding the Kensington Expressway, including the Humboldt Parkway, with Portland Cement Concrete Pavement (PCC Pavement). PCC Pavement will provide numerous benefits to the Department of Transportation, the traveling public, and most important, the residents along the Humboldt Parkway. PCC Pavement falls in line with the NYSDOT Comprehensive Pavement Design Manual, Chapter 3, where its use is encouraged on new pavements in Urban Corridors.

Concrete pavement's light color provides higher visibility for pedestrian safety and requires less use of electric lighting. It also minimizes Urban Heat Island effects on the surrounding community and does not emit noxious fumes during its construction or cure time. Best of all, a properly designed and constructed PCC pavement will provide a climate resilient road that will withstand the test of time with minimal maintenance, providing benefit to the community for generations to come.

Thank you for the opportunity to provide input on this critical project that has the ability to dramatically improve the quality of life for the local community and the Buffalo region.

Sincerely,  
Heather Steffek  
Executive Director  
American Concrete Pavement Association – New York State Chapter



-----Original Message-----

From: Herbert Stephenson

Sent: Thursday, October 26, 2023 7:13 AM

To: Fischlein, Eric

Subject: [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Stephenson , Herbert

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: FAIR, BVR Construction Company, Inc.

Comment: I strongly support the proposed project for the Kensington Expressway. It would greatly improve the quality of life in this community and bring many valuable jobs to this area.

\* this email was generated by [kensingtonexpressway.dot.ny.gov](https://kensingtonexpressway.dot.ny.gov)

Sent from my iPhone

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*Surianello General  
Concrete Contractor Inc.*

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**From:** Clarissa Surianello

**Sent:** Thursday, November 2, 2023 1:00 PM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Surianello, Clarissa

Address:

Phone:

Email: .

Include on future project updates: YES

Affiliation:

Comment: I think this project is going to upgrade the city of Buffalo significantly. Do we wish that you would have considered concrete paving as an option, yes. But none the less, this is going to make a huge impact on our city.

\* this email was generated by kensingtonexpressway.dot.ny.gov

Sent from [Mail](#) for Windows



**From:** Frank Surianello  
**Sent:** Friday, November 3, 2023 10:47:10 AM  
**To:**  
**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

*Surianello General  
Concrete Contractor Inc.*

Name: Surianello, Frank  
Address:  
Phone:  
Email:  
Include on future project updates: YES  
Affiliation:

Comment: I appalled the NYSDOT for investing into wny's underserved neighborhoods. This investment will correct a wrong from many years ago that split communities under the guise of progress. WNY has been ignored for far too long for major capital expenditures like this. The result of this investment will likely spur additional investment from the private sector and continue to contribute to Buffalos renaissance

\* this email was generated by kensingtonexpressway.dot.ny.gov

Frank D Surianello, PE  
President  
Surianello General Concrete Contractor Inc  
Phone 716-837-7710  
franks@surianello.com  
<https://linkprotect.cdnsvr.com?url2a=https%3a%2f%2fwww.surianello.com&c=E.1.Gjwm3xs34o8IsNvdOCdfcBIODLh9CFR0B3k0RloklfvojHDKXfEiGXyyTB3hP9eV8VTgyzWzCPmsHNiNvVmYMjtN67m4kpVHYHYw134T4b6wJXkfAbY9xywzq0&typo=1>  
Sent from my iPhone  
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**From:** Kat Tyler

**Sent:** Friday, November 10, 2023 6:24:07 AM

**To:**

**Subject:** [Ext] PIN 5512.52 Kensington Expressway Project Comment Form

Name: Tyler, Kathleen

Address:

Phone:

Email:

Include on future project updates: YES

Affiliation: EM Tea Coffee Cup Cafe in Hamlin Park

Comment: I am excited, fully committed and on board with the project!

This will build up the Community and greatly improve this stretch of Buffalo.

I was a child when the original devastation occurred and should have never happened. This is a beautiful area and should be reconnected.

This project will slow down traffic, reduce gas emissions and improve neighborhoods.

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